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ILLINOIS
DEPARTMENT
OF
PUBLIC HEALTH

GENERAL INFORMATION
AND
LAWS

Effective July 1, 1917



COMPILED BY
EDWARD J. BRUNDAGE
Attorney General
Springfield

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DEPARTMENT OF PUBLIC HEALTH.
Capitol Building, Springfield.

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Superintendent of Lodging House Inspection, W. W. McCULLOCH, Chicago.

27 May 24

NOTE.

Since the last compilation of the Illinois Public Health Laws in 1907, many important changes have been made that are of special interest at this time to the people of this State. One of these changes involves the creation of the Department of Public Health which has been invested with greater powers than were possessed by its predecessor and which is permitted to be organized along better methods of efficiency than were formerly possible.

The present compilation consists of laws which have a direct bearing upon and are enforced through the Department of Public Health and of laws which have a general relation to the public health of this State but which are enforced through some other public agency or officer. In either case, the Department of Public Health, as it is now constituted, is vitally interested not only in the nature and scope of these laws but also in their proper observance and enforcement.

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DEPARTMENT OF PUBLIC HEALTH.

I. ORGANIZATION AND MANAGEMENT.

1. *Executive Officers.*

A Director, an Assistant Director, and a Superintendent of Lodging House Inspection comprise the executive officers of the Department of Public Health. (Secs. 4 and 5, Code.)

2. *Nonexecutive Officers.*

The advisory functions of this department are exercised by five public health advisors. (Sec. 6, Code.)

3. *Seal.*

Departments are required to adopt and authenticate their acts by an official seal. (Sec. 19, Code.)

4. *Central and Branch Offices.*

Each department is required to maintain a central office at the Capitol. Branch offices for the conduct of a particular function of the department may be established and maintained at other places by the Director with the approval of the Governor. (Sec. 17, Code.)

5. *Employees, Civil Service.*

From those who are in the classified civil service of the State on July 1, 1917, in the office, board, commission or institution coming under the supervision and control of the department, each employee is to be assigned to a position in the department, having so far as possible duties equal to his former office or employment, provided no more are employed than are necessary to the proper performance of the functions of the department. (Sec. 24, Code.)

Departments have power, subject to civil service laws, to employ all other necessary employees and fix their compensation, when their compensation has not been theretofore determined by law. (Sec. 20, Code.)

6. *Rules and Regulations.*

It is the duty of the Director to prescribe rules and regulations for the government of his department, the conduct of its employees, the distribution and performance of its business and the custody, use and preservation of the property, records and documents. (Sec. 16, Code.)

7. *Cooperation, Coordination and Efficiency.*

The Director is to devise a practical system of cooperation and coordination of the work of the department to eliminate all duplication and overlapping of functions, and to economize, whenever practicable, in the use of quarters and equipment. With the consent of the superior officer of the employee, the Director may require an employee of another department to perform any duty that is required of his own employees. (Sec. 26, Code.)

8. *Moneys, Disposition.*

All State funds or moneys received by a department must be turned into the State treasury within ten days of receipt without any deduction whatsoever. (See 27, Code.)

9. Expenditures.

Departments are forbidden to make expenditures except in consequence of an appropriation duly made and upon the warrant of the Auditor of Public Accounts. (Sec. 27, Code.)

10. Reports.

In addition to the semi-annual and biennial reports provided for by the Constitution, the Director is required to make on or before December annually to the Governor, and whenever otherwise requested, written report concerning the condition, management and financial transactions of the department. (Sec. 25, Code.)

II. POWERS AND DUTIES.¹

11. Generally.

The Department of Public Health is to—

- Have general supervision of the health and lives of the people of this State;
- Advise relative to public water supplies, water purification works, sewerage systems, and sewerage treatment works;
- Exercise supervision over water and sewerage nuisances and make and enforce rules and regulations relative to the same;
- Conduct sanitary investigations when deemed necessary for the preservation and improvement of public health;
- Investigate nuisances and questions affecting the security of life and health in any locality in the State;
- Maintain chemical, bacteriological and biological laboratories;
- Conduct examinations of milk, water, sewage, wastes and other substances;
- Diagnose diseases when deemed necessary for the people's protection;
- Purchase and distribute to citizens of the State, free of charge, diphtheria antitoxin, typhoid vaccine, smallpox vaccine and other recognized sera vaccines and prophylactics;
- Obtain, collect and preserve useful information relative to mortality, morbidity disease and health;
- Investigate the causes of diseases, especially the causes of mortality, the effect of localities and other conditions acting upon public health;
- Keep informed of the work of local health officers and agencies;
- Assist local health authorities or agencies in the administration of health laws;
- Promote the information of the general public in all health matters;
- Enlist the cooperation of physicians' organizations and other health agencies in the improvement of health and sanitary conditions;
- Make sanitary, sewage, health and other inspections and examinations for the charitable, penal and reformatory institutions and normal schools;
- Inspect all hospitals, sanitary and other municipal institutions and report their conditions and needs to the authorities having jurisdiction;
- Print, publish and distribute documents, reports, bulletins, certificates relating to the prevention of diseases, health and sanitary conditions;

¹The powers of the State Board of Health were purely administrative. *Potts v. Breen* (1897), 167 Ill. 67, 74.

And generally, exercise the rights, powers and duties vested by law in the former State Board of Health and its officers, except as to the practice of medicine, midwifery and the regulation and examination of embalmers, which are included in the duties and powers of the Department of Registration and Education. (Sec. 55, Code.)

The former State Board of Health could discharge the duties of county and township boards of health in cases of their neglect and refusal to act in time of epidemics (County and Township Board of Health Act, Sec. 1).

The Department of Public Health is required by the Public Health Districts Act to—

Give notice and conduct competitive examinations for public health officers (Sec. 16).

12. State Board of Health Act.

By the State Board of Health Act, the former State Board of Health was given authority to²—

Declare, enforce, modify or relax quarantine;

Prescribe rules and regulations for sanitation;

Regulate transportation of the remains of deceased persons;

Investigate the cause of dangerously contagious or infectious diseases, especially when epidemic;

Take proper measures to suppress dangerously contagious and infectious diseases that have become epidemic and when the local authorities have refused or neglected to act promptly and efficiently (Sec. 2);

Prepare forms for the record of births, marriages and deaths (Sec. 9).

Under the Amendatory Act of April 21, 1899, the former State Board of Health was required to—

Inspect all lodging-houses, boarding houses, taverns, inns and hotels in cities of 100,000 inhabitants or more to see that the provisions of said Act were complied with (Sec. 15);

Prepare and provide blanks for statements required to be filed under section 18 of said Act by landlords, proprietors, keepers and managers of lodging-houses, etc. (Sec. 18); and

Prescribe rules and regulations concerning the distribution and sale of diphtheria antitoxin (Sec. 20).

13. Vital Statistics Act.

The Vital Statistics Act required the former State Board of Health to—

Prepare and keep all of the original records relative to registration of births, stillbirths and deaths throughout the State (Sec. 1);

Establish registration districts consisting of a city, village and incorporated town and a township in counties under township organization (excepting that portion of the township constituting a separate registration district), and a road district in counties not under township organization (excepting that portion of the road district constituting a separate registration district);

Subdivide registration districts outside of cities, villages or incorporated towns of less than 100,000 population, or combine into one district two or more registration districts;

Appoint local registrars for each newly created district (Sec. 3);

Require the making of postal card reports of births upon request of health officers (Sec. 12);

Prescribe the form of register or record to be kept by cemeteries or other place of disposition of a human body (Sec. 11);

² Only such powers are here stated as are not expressly covered by the Civil Administrative code.

- Prescribe all forms of reports of births, stillbirths and deaths;
- Print and supply all local registrars with a sufficient number of blank forms, except the short forms of postal cards for the reporting of births;
- Prepare and issue detailed instructions to secure uniform enforcement of this Act;
- Approve such blank forms of local authorities as are not inconsistent with the State forms and that are required to be used under ordinance;
- Examine monthly certificates received from registrars;
- Arrange, bind and permanently preserve said certificates;
- Prepare and maintain comprehensive card-indexes of all registered births and deaths;
- Publish annual report of births and deaths (Sec. 17);
- Certify to each county clerk the number of births, stillbirths and deaths registered in the county, the names of persons entitled to the prescribed fees, and the statutory amount due each (Sec 19);
- Furnish certified copy of record of any birth, stillbirth or death to any applicant upon his request and payment of 50 cents fee (Sec. 20); and
- Enforce the provisions of this Act and report violations to prosecuting attorneys or to proper State's attorneys (Sec. 22).

14. *Ophthalmia Neonatorum Act.*

The State Board of Health under the Ophthalmia Neonatorum Act is charged with the duty of—

- Providing all authorized obstetricians free of charge scientific prophylactic for ophthalmia neonatorum;
- Publishing and distributing throughout the State and to physicians and midwives information concerning the dangers of ophthalmia neonatorum;
- Preparing and furnishing free of charge to local health authorities appropriate blanks;
- Reporting violations to proper prosecuting attorneys. (Sec. 4.)

15. *Barbers' Act.*

Under the Barbers' Act, the former State Board of Health was required to—

- Approve sanitation rules and regulations for barber shops adopted by the State Board of Barbers' Examiners. (Now the Department of Registration and Education) Sec. 11.

16. *Lodging House Act.*

By the Lodging House Act, the former State Board of Health was required to—

- Formulate sanitation rules for inns, hotels, or public lodging houses (Sec. 5);
- Print and forward to each hotel, inn or public lodging house a sufficient number of copies of the Lodging House Act (Sec. 7).

17. *Occupational Diseases Act.*

The Occupational Diseases Act required the former State Board of Health to—

- Prepare and furnish blanks for physical examinations to detect occupational diseases (Sec. 4);
- Transmit physical examination reports concerning occupational diseases to the Illinois Department of Factory Inspection (Sec. 5).

18. *Rabies' Act.*

By the Rabies' Act, the former State Board of Health was required to—
 Select an institution for the treatment of poor persons suffering
 from rabies (Sec. 1).

19. *Nonexecutive Duties.*

The general powers and duties of the advisory and nonexecutive officers
 are to—

- Consider and study the entire field of the particular department;
- Advise the executive officers of the department upon their request;
- Recommend policies and practices upon their own initiative;
- Make recommendations and render advice to the Governor and to
 the General Assembly;
- Investigate the conduct of the work of the department;
- Adopt rules;
- Hold at least quarterly meetings;
- Notify the Governor and the Director of the department of the time
 and place of all meetings, and permit them to be present; and
- Keep public minutes, to be filed with the Director. (Sec. 8, Code.)

LAWS.

ORGANIZATION, JURISDICTION AND POWERS.

AN ACT to create and establish a Board of Health in the State of Illinois.
Approved May 28, in force July 1, 1877. Laws 1877, p. 208.

20. State Board of Health, Appointment, Term of Office, Vacancies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor, with the advice and consent of the Senate, shall appoint seven persons, who shall constitute the Board of Health. The persons so appointed shall hold their offices for seven years: *Provided*, that the terms of office of the seven first appointed shall be so arranged that the term of one shall expire on the thirtieth day of December of each year; and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the Governor, with the advice and consent of the Senate: *And provided, also*, that appointments made when the Senate is not in session may be confirmed at its next ensuing session.³

21. Powers and Duties, Generally.

SEC. 2. The State Board of Health shall have the general supervision of the interests of the health and lives of the people of the State.⁴ They shall have supreme authority in matters of quarantine, and may declare and enforce quarantine when none exists, and may modify or relax quarantine when it has been established. The board shall have authority to make such rules and regulations⁵ and such sanitary investigations as they may from time to time deem necessary for the preservation and improvement of the public health, and they are empowered to regulate the transportation of the remains of deceased persons. It shall be the duty of all local boards of health, health authorities and officers, police officers, sheriffs, constables and all other officers and employees of the State or any county, village, city or township thereof, to enforce the rules and regulations that may be adopted by the State Board of Health.

It shall be the duty of the State Board of Health to investigate into the cause of dangerously contagious or infectious diseases, especially when existing in epidemic form, and to take means to restrict and suppress the same, and whenever any dangerously contagious or infectious disease shall become, or threaten to become epidemic, in any village or city, and the local board of health or local authorities shall neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities shall neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the State Board of Health or their secretary, as their executive officer, when the board is not in session, may enforce such measures as the said board or their execu-

³ The Civil Administrative code repealed this section by implication.

⁴ The general terms employed in this section are restricted by the more specific powers and duties conferred upon the Board by the act as a whole. *Potts v. Breen* (1897), Ill. 167, 67, 71.

⁵ The State Board of Health, under the act of May 28, 1877 had no power by rule hav-

ing a general application and the force of law, in the absence of actual or threatened epidemic of small-pox, to require the vaccination of children as a condition precedent to their admission to public schools. *Potts v. Breen* (1897), 167 Ill. 67, 76.

Nor has a municipality by ordinance the power to exclude unvaccinated children from public schools under the same circumstances. *Lawbaugh v. Board of Education* (1899), 177 Ill. 572.

tive officer may deem necessary to protect the public health, and all necessary expenses so incurred shall be paid by the city or village for which services are rendered.

The State Board of Health may establish and maintain a chemical and bacteriologic laboratory for the examination of public water supplies, and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever and such other diseases as they may deem necessary for the protection of the public health.⁶ (Amended by Act filed May 18, in force July 1, 1907. L. 1907, p. 537.)

22. *Births and Deaths, Registration, Legislation.*

SEC. 3. The Board of Health shall have supervision of the State system of registration of births and deaths, as hereinafter provided; they shall make up such forms, and recommend such legislation as shall be deemed necessary for the thorough registration of vital and mortuary statistics throughout the State. The secretary of the board shall be the superintendent of such registration. The clerical duties, and the safe keeping of the bureau of vital statistics thus created, shall be provided by the Secretary of State. (Sections 4 to 6 are repealed.)

23. *Rules and Regulations, Violation, Penalty.*

SEC. 7. Any person who violates or refuses to obey any rule or regulation of said State Board of Health shall be liable to a fine not to exceed \$200.00 for each offense or imprisonment in the county jail not exceed(ing) six months, or both, in the discretion of the court. All prosecutions and proceedings instituted by the State Board of Health for violation of their rules and regulations shall be instituted by the board or by their executive officer, and it shall be the duty of the State's Attorney in each county to prosecute all persons in his county violating or refusing to obey the rules and regulations of the State Board of Health.⁷ All fines or judgments collected or received shall be paid over to the State Treasurer and credited to the fund created for the support of the State Board of Health. (Amended by Act above.)

24. *Vital Statistical Registers, Annual Report.*

SEC. 8. The county clerks of the several counties in the State shall be required to keep separate books for the registration of the names and post-office address of physicians and accouchers, for births, for marriages, and for deaths; said books shall always be open to inspection without fee; and said county clerks shall be required to render a full and complete report of all births, marriages and deaths to the secretary of the board of health, annually, and at such other times as the board may direct.⁸

25. *Vital Statistics, Forms.*

SEC. 9. It shall be the duty of the board of health to prepare such forms for the record of births, marriages and deaths, as they may deem proper; the said forms to be furnished by the secretary of said board, to the county clerks of the several counties, whose duty it shall be to furnish them to such persons as are herein required to make reports.

26. *Organization, By-Laws, Meetings.*

SEC. 10. The first meeting of the board shall be within fifteen days after their appointment, and thereafter in January and June of each year, and at

⁶ The Civil Administrative code partially repealed this section.

275; Sec. 7, Chap. 126a Hurd's Statutes 1915-16.

⁷ It is made the duty of State's attorneys of the respective counties to prosecute violations of the rules and regulations of the State Board of Health and said Board has no power or authority to employ attorneys for the purpose. *Fergus v. Russel* (1915), 270 Ill. 304,

⁸ An undertaker's report of death is no part of the records kept by the county clerk under section 8 of the act of May 28, 1877 and is inadmissible in evidence as a document required to be kept by statute. *Globe Mutual Life Ins. Co. v. Meyer* (1905), 118 Ill. App. 155, 160.

such other times as the board shall deem expedient. The meeting in January of each year shall be in Springfield. A majority shall constitute a quorum. They shall choose one of their number to be president, and they may adopt rules and by-laws for their government, subject to the provisions of this Act.⁹

27. Executive Officer, Salary and Expenses, Duties, Members' Compensation.

SEC. 11. They shall elect a secretary who shall be the executive officer of said board, and he shall perform such duties as may be prescribed by this Act and by said board. The salary of the secretary and executive officer for the month of January, 1916, shall be \$3,150, and thereafter shall be \$5,400 per annum payable in monthly installments, and shall receive no other salary or compensation, provided always that he shall receive his traveling and other expenses incurred in the performance of his official duties. The other members of the board shall receive no compensation for their services, except such compensation as is provided under section 3b of an act entitled, "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, as subsequently amended; but their traveling and other expenses, while employed on business of the board, shall be paid. The traveling and other expenses of the secretary shall be paid on vouchers approved by the president of the board, and the Auditor of Public Accounts shall draw his warrant on the Treasurer for the amount. (Amended by Act approved and in force December 3, 1915. L. S. S. 1915, p. 37.)

28. Annual Reports, Requisites.

SEC. 12. It shall be the duty of the Board of Health to make an annual report, through their secretary, or otherwise, in writing, to the Governor of this State, on or before the first day of January of each year; and such report shall include so much of the proceedings of the board, and such information concerning vital statistics; such knowledge respecting diseases, and such instruction on the subject of hygiene, as may be thought useful by the board, for dissemination among the people, with such suggestions as to legislative action, as they may deem necessary.

SEC. 13. (Appropriation in 1877.)

SEC. 14. (Rooms or Quarters.)

29. Lodging Houses, Etc., Supervision and Inspection, Penalty.

SEC. 15. The State Board of Health shall have supervision of all lodging houses, boarding houses, taverns, inns, and hotels, in cities of one hundred thousand inhabitants or more, as hereinafter provided. They shall from time to time inspect, or cause to be inspected, all such lodging houses, boarding houses, taverns, inns and hotels, to see that the provisions of this Act are duly and properly observed by the landlords, proprietors, keepers, managers and clerks, of such lodging houses, boarding houses, taverns, inns and hotels; and any landlord, proprietor, keeper, manager, clerk, employee, or other person connected with any such lodging house, boarding house, tavern, inn, or hotel, who shall interfere with or obstruct any such inspection, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$100.¹⁰ (Amended by Act approved May 10, in force July 1, 1901. L. 1901, p. 304.)

30. Sleeping Rooms, Size, Space Between Beds, Ventilation, Penalty.

SEC. 16. It shall be unlawful for any landlord, proprietor, keeper, manager or clerk of any lodging house, boarding house, tavern, inn or hotel, to permit any room in such lodging house, boarding house, tavern, inn or hotel, to be used or occupied for sleeping purposes, which does not contain four hundred (400) cubic feet or more of air space for each person sleeping

⁹ The Civil Administrative code repealed this section and sections 11 and 12 by implication.

this Act referred solely to lodging houses and were therefore held invalid as class legislation. *Bailey v. People* (1901), 190 Ill. 28.

¹⁰ Before the amendment of this and the following section in 1901, the provisions of

therein at the same time; and in every room in any lodging house, boarding house, tavern, inn or hotel, containing more than one bed, the beds shall be so arranged as to leave a passageway of not less than two feet horizontally on all sides of each bed; and all beds shall be so arranged that under each of them the air shall freely circulate, and there be adequate ventilation.

Any landlord, proprietor, keeper, manager, clerk, employee, or other person connected with any lodging house, boarding house, tavern, inn or hotel, violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100, nor less than \$25. (Amended by Act above.)

31. *Lodging House, Register, Inspection, Penalty.*

SEC. 17. The landlord, proprietor, keeper, manager, or clerk, of every such lodging house, boarding house, tavern, inn or hotel, shall keep in the office, or other public place therein, a register, in which shall be entered the name and residence of every person who becomes a lodger, boarder or guest in said lodging house, boarding house, tavern, inn or hotel, and such register shall also show the number of the room or bed occupied by such person, and shall show the date of his arrival, and the period for which he engaged board or lodging. Such register shall always be accessible, without charge, to any officer or duly authorized agent of said State Board of Health. Any landlord, proprietor, keeper, manager or clerk, of such lodging house, boarding house, tavern, inn or hotel, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than \$25, and not to exceed \$100. (Amended by Act above.)

32. *Annual Statements, Contents, Forms, Filing, Penalty.*

SEC. 18. Within thirty days from the date upon which this Act shall take effect, and upon the first day of March, of each succeeding year, the landlord, proprietor, keeper, or manager, of every such lodging house, boarding house, tavern, inn or hotel, shall file with the county clerk of the county in which such lodging house, boarding house, tavern, inn or hotel is located, a written statement, sworn to by him; which statement shall contain the name of the person making the statement; whether such person is the landlord, proprietor, keeper or manager, of such lodging house, boarding house, tavern, inn, or hotel; the location of such lodging house, boarding house, tavern, inn or hotel, according to the city, street and number; the period of time during which such person has been the landlord, proprietor, keeper or manager, of such lodging house, boarding house, tavern, inn or hotel; the period of time during which such lodging house, boarding house, tavern, inn or hotel has been continuously operated as such; the number of guests or persons then stopping in said lodging house, boarding house, tavern, inn or hotel; the greatest number of persons who stopped in said lodging house, boarding house, tavern, inn or hotel, upon any day within the thirty days immediately preceding the date of such sworn statement; the smallest number of persons upon any day within said period of thirty days; the total number of rooms contained in such lodging house, boarding house, tavern, inn or hotel; the number of sleeping rooms contained in such lodging house, boarding house, tavern, inn or hotel; the length and breadth of the building in which such lodging house, boarding house, tavern, inn or hotel is located; the number of stories comprised in such building; the number of stories and parts of stories, in such building, occupied by such lodging house, boarding house, tavern, inn or hotel; the complete dimensions, in feet, respectively, of the smallest and largest sleeping room contained in such lodging house, boarding house, tavern, inn or hotel, and the number of beds contained in said largest sleeping room. Such statement shall be made upon blanks furnished to the county clerk by the State Board of Health, for that purpose.

Any landlord, proprietor, keeper or manager, of any lodging house, boarding house, tavern, inn or hotel who fails or refuses to make and file, within and at the time herein mentioned, the statement required by this section to be made, shall be guilty of a misdemeanor, and, upon conviction shall be punished by a fine of not less than \$25, nor more than \$100. (Amended by Act above.)

33. *Anti-toxin, Distribution, Agents, Expenses.*

SEC. 20. It shall be the duty of the board of health of the State of Illinois to appoint one agent in the county seat of each county in the State who shall have for distribution, as herein provided, diphtheria anti-toxin, certified to by the board of health of the State of Illinois, it being the duty of such agents to sell such anti-toxin at a fair and reasonable price to all physicians and others applying for and needing the same, unless the person applying for and needing the same shall be unable to purchase the same, in which case such anti-toxin shall be furnished on an order from the overseer of the poor or supervisor of township, to be paid for by the respective counties in which such order is made. *And, provided, further,* that more than one agent may be appointed in counties where necessary for the convenience of the people, at the discretion of the board of health of the State of Illinois: *Providing, further,* that any necessary expense incurred by the board of health of the State of Illinois, in the appointment of agents and in supplying such anti-toxin shall be paid from the funds appropriated for the making of investigations and the prevention of the spread of diphtheria and other contagious diseases: *Providing, further,* that the board of health of the State of Illinois be and is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this section. (Added by amendment by Act approved May 13, in force July 1, 1905. L. 1905, p. 387.)

AN ACT to create and establish boards of health in counties not under township organization and in townships in counties under township organizations outside of the corporate limits of incorporated cities and villages to prescribe their duties and powers and provide for enforcing the same. Approved May 20, in force July 1, 1901. L. 1901, p. 91.

34. *Boards of Health, County and Township, Creation, Quarantine Rules and Regulations, State Board of Health.*

SECTION 1. The board of county commissioners in counties not under township organization, and the supervisor, assessor and town clerk of every town in counties under township organization, shall constitute a board of health, and on the breaking out of any dangerously communicable diseases in their county or town, or in the immediate vicinity thereof, it shall be their duty to make and enforce such rules and regulations tending to check the spread of the disease within the limits of such county or town as may be necessary; and for this purpose they shall have power to quarantine any house or houses or place where any infected person may be, and cause notices of warning to be put thereon, and to require the disinfection of the house or place: *Provided,* that nothing in this Act shall apply to any territory lying within the corporate limits of any incorporated city or village: *Provided, further,* that in case the board of health in any county not under township organization, or of any township in counties under township organization shall fail, refuse or neglect to promptly take the necessary measures to preserve the public health, or in case any such board of health shall refuse or neglect to carry out the rules and regulations of the State Board of Health, that thereupon the State Board of Health may discharge such duties and collect from the county or township, as the case may be, the reasonable costs, charges and expenses incurred thereby. (Amended by Act approved May 16, in force July 1, 1903. L. 1903, p. 136.)

35. *Powers and Duties, Generally.*

SEC. 2. The said boards of health shall have the following powers:
First—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Second—To appoint physicians as health officers and prescribe their duties.

Third—To incur the expenses necessary for the performance of the duties and powers enjoined upon the board.

Fourth—To provide gratuitous vaccination and disinfection.

Fifth—To require reports of dangerously communicable diseases. (Amended by Act approved May 16, in force July 1, 1903. L. 1903, p. 136.)

36. Rules and Regulations, Violation, Penalty, Funds, Payment.

SEC. 3. Any person who shall violate or refuse to obey, any rule or regulation of the said board of health, shall be liable to a fine not exceeding \$200 for each offense, or imprisonment in the county jail not to exceed six months, or both, in the discretion of the court.

All fines collected under the provisions of this Act shall be paid into the county treasury of the county in which the suit is brought, to be used for county purposes, and it shall be the duty of the State's attorney in the respective counties to prosecute all persons violating, or refusing to obey, the rules of said local boards of health.

37. Annual Report, Records.

SEC. 4. The clerk of the board of county commissioners, or the town clerk, as the case may be, shall keep a full record of all the doings of said board and report the same to the annual meeting of such board of county commissioners, or town board.

38. Compensation and Expenses.

SEC. 5. The members of said boards of health shall be allowed for the time spent in the performance of their said duties, each the sum of \$1.50 per day, which, together with all bills by them contracted and all sums of money by them expended, shall be audited and paid in the same manner as other county and town expenses. (Amended by Act approved May 16, in force July 1, 1903. L. 1903, p. 137.)

39. Repeal.

SEC. 6. Sections one (1), two (2), and three (3) of Article XIV of an Act entitled, "An Act to revise the law in relation to township organization," approved and in force March 4, 1874, and all Acts or parts of Acts conflicting herewith are hereby repealed.

40. Boards of Health, Cities and Villages.

Under the Cities and Villages Act, the city council in cities and the board of trustees in villages have power to appoint a board of health and prescribe its duties and powers. (Par. 62, Sec. 1, Cl. 76, Hurd's Stats. 1915-1916, pp. 304, 308.)

In cities under the commission form of government the statute provides for a department of public health and safety, administered by a commissioner, whose duties are prescribed by ordinance in the same manner as in other cases. (Pars. 193b 23-24, Chap. 24, Hurd's Stats. 1915-1916, p. 340.)

AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same. Filed June 26, in force July 1, 1917. L. 1917, p. 763.

41. Public Health Districts, Organization.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: Any town, or two or more adjacent towns in counties under township organization, or any road district, or two or more road districts in counties not under township organization, or any town or towns in a county under township organization and an adjacent road district or road districts in a county not under township organization, may be organized into a public health district.

42. Town or Road District, Submission to Voters.

SEC. 2. Upon a petition containing the signatures of legal voters in number not less than five per cent of the total vote cast in any town or road district, and filed with the town or road district clerk at least thirty days before the regular town or road district election, the proposition of erecting such town or road district into a public health district shall be submitted to a vote of the people at the next regular town or road district election in the manner provided by this Act.

43. *Several Towns or Road Districts, Submission to Voters.*

SEC. 3. Upon a petition requesting that two or more adjacent towns or road districts be erected into a health district and containing the signatures of legal voters in number not less than five per cent of the total vote cast in each of two or more adjacent towns or road districts, and filed with the county clerk at least thirty days before the regular town or road district election, the proposition of erecting such towns or road districts, or town and road district, into a public health district shall be submitted to a vote of the people of such towns or road districts at the next regular town or road district election in the manner provided by this Act.

Where the towns or road districts desiring to be erected into a health district are in two or more counties, the petition shall be filed with the county clerk of the county in which the greater population of the proposed health district is located.

44. *Town or Road District's Election, Notice.*

SEC. 4. Upon the filing of such petition with the town or road district clerk, the town or road district clerk shall, when giving notice of the holding of the next regular town or district election, also give notice that a vote will be taken at the regular town or district election for or against the proposition of the erection of the town or road district into a public health district.

45. *Several Towns or Road Districts' Election, Notice.*

SEC. 5. Upon the filing of such petition with the county clerk, such county clerk shall, at least twenty days prior to the regular town or district election, certify to the town or district clerk of each town or road district, petitions for which are on file in his office requesting that such towns or road districts be erected into a public health district, that the proposition of erecting such towns or road districts (naming them) will be submitted to a vote of the people of the towns or road districts at the regular town or road district election. The town or district clerk shall, when giving notice of the holding of the next regular town or district election, also give notice that a vote will be taken at the town or district election for or against the erection of the towns or road districts (naming them) into a public health district.

46. *Ballot, Form.*

SEC. 6. The proposition shall be voted upon in the same manner as a constitutional amendment or other public measure.

When the proposition to be voted upon is to erect a town or road district into a public health district, the proposition may be substantially in the following form:

Shall this..... (town or road district) be erected into a public health district?	YES	
	NO	

When the proposition to be voted upon is to erect two or more adjacent towns or road districts into a public health district, the proposition may be substantially in the following form:

Shall this..... (town or road district) unite with the..... (town or road district) of.....to form a public health district?	YES	
	NO	

47. *Number of Votes Necessary.*

SEC. 7. When the proposition voted upon is to erect a single town or road district into a public health district, such proposition shall be carried if a majority of those voting upon the proposition shall vote "yes."

When the proposition voted upon is to erect two or more adjacent towns or road districts into a health district, such proposition shall be carried if the majority of those voting upon the proposition in each town or road district shall vote "yes."

48. Town or Road Districts' Ballots, Counting.

SEC. 8. When the proposition is submitted to the voters of a single town or road district, the ballots shall be counted, the returns canvassed and the result declared as in the case of a regular town or district election.

49. Several Towns or Road Districts' Ballots, Counting.

SEC. 9. When the proposition is submitted to the voters of two or more adjacent towns or road districts, the ballots shall be counted and the returns made to the county clerk of the county wherein the petition was filed as in the case of returns to the county clerk at a general election. The returns shall be opened and canvassed by the county clerk, with the assistance of two justices of the peace of the county, and the result declared.

50. Result of Election, Evidence.

SEC. 10. The town or district clerk, or the county clerk, as the case may be, shall record the result of the vote upon the proposition and such result may be proved in all courts and in all proceedings by such record or by a certified copy thereof.

51. Board of Health Defined.

SEC. 11. In counties not under township organization the county commissioners shall be the board of health for each public health district in the county.

Where a public health district, in counties under township organization, consists of a single town, the supervisor, assessor and town clerk of such town shall be the board of health for such public health district.

Where a public health district consists of two or more adjacent towns, the supervisors of such towns, together with the chairman of the county board, shall be the board of health for such public health district.

Where a public health district consists of a town or towns in a county under township organization united with a road district or road districts in a county not under township organization, the supervisor or supervisors of the town or towns, together with the road district clerk or road district clerks, shall be the board of health for such public health district.

A majority of the board shall constitute a quorum for the transaction of business.

52. Board of Health, Organization, Meetings.

SEC. 12. The board of health shall meet in some convenient place in the public health district within two weeks after the declaration of the result of the election, and shall elect from their own number a chairman and a secretary, and, either from their own number or otherwise, a treasurer.

53. Public Health District, Corporate Name.

SEC. 13. The board of health shall, at its first meeting, select a suitable name for the public health district and file the same with the county clerk, or county clerks, of the county or counties in which the district is located, and thenceforth the public health district shall be a body corporate and shall be known by that name. Upon the filing of such name with the county clerk, or county clerks, the public health district shall be deemed to be completely organized.

54. Public Health District, Judicial Notice.

SEC. 14. All courts shall take judicial notice of all public health districts organized under this Act.

55. Board of Health, Powers and Duties.

SEC. 15. Each board of health shall have power and it shall be its duty:

1. To hold an annual meeting on the second Tuesday in April of each year, at which meeting officers shall be elected for the ensuing year;
2. To hold meetings quarterly on the second Tuesday of January, April, July and October;
3. To hold special meetings upon a written request signed by two members and filed with the secretary;
4. To levy, annually, in addition to all other taxes which are now or hereafter may be authorized to be levied on the aggregate valuation of all property within the public health district, a special "public health tax," not to exceed four mills on the dollar on all taxable property embraced within such public health district, according to the valuation of the same as made for the purpose of State and county taxation, to form, when collected, a fund to be known as the "public health fund;"
5. To appoint a public health officer from a list of eligibles supplied by the State Department of Public Health;
6. To appoint, upon the advice and approval of the public health officer, such nurses, chemists, experts, clerks and assistants as the public health officer may deem necessary;
7. To fix the compensation of the public health officer, which shall in no case be less than one thousand five hundred dollars;
8. To provide, equip and maintain suitable offices, facilities and appliances for the health officer and his assistants;
9. To establish, equip and maintain an analytical, biological and research laboratory;
10. To pay, from the "public health fund," the salary of the public health officer and the salaries of all appointees and employees and the expense of maintenance of the public health department, including therein the expense of administering the sanitation and health laws and ordinances;
11. To acquire and hold, in the name of the public health district, real estate and personal property;
12. To receive contributions of money or property;
13. To publish, annually, on or soon after the second Tuesday in April, in pamphlet form, for free distribution, an annual report showing the condition of their trust on the first day of April of that year, the sums of money received from taxation and from other sources, giving the name of the donor, how all moneys have been expended and for what purpose, and such other statistics and information in regard to the work of the health department as they may deem of general interest.

56. Public Health Officers, Examination, Notice.

SEC. 16. It shall be the duty of the State Department of Public Health to prepare, by open, competitive examination, of which notice shall be given in the "official newspaper," selected by the department of public works and buildings, for at least three weeks prior to the holding of such examination, a list of eligibles for appointment as public health officers.

57. Public Health Officers, Powers and Duties.

SEC. 17. The public health officer shall have power, and it shall be his duty:

1. To be the executive officer of the board of health;
2. To enforce and observe the rules, regulations and orders of the State Department of Public Health and all State laws pertaining to the preservation of the health of the people within the public health district;
3. To exercise the rights, powers and duties of all township boards of health and county boards of health within the public health district;
4. To execute and enforce, within the public health district, all city, village and incorporated town ordinances relating to nuisances, public health and sanitation;
5. To investigate the existence of any contagious or infectious disease within the public health district and to adopt measures, with the approval of the State Department of Public Health, to arrest the progress of the same;

6. To make all necessary sanitary and health investigations and inspections within the public health district;

7. To establish a free dental clinic for the benefit of the school children of the district;

8. To give professional advice and information to all city, village, incorporated town and school authorities within the public health district in all matters pertaining to sanitation and public health;

9. To devote his entire time to his official duties.

58. *Health Ordinance, Enforcement.*

SEC. 18. In all public health districts all ordinances of cities, villages and incorporated towns lying within such public health district, relating to nuisances, sanitation, and public health, shall be administered by the public health officer appointed pursuant to this Act, and not otherwise.

59. *Anticipation Warrants.*

SEC. 19. Each board of health, organized under this Act, shall be empowered to issue warrants in anticipation of taxes to the same extent, in the same manner and with like limitations and restrictions as county, city, village and incorporated town authorities.

60. *Public Health Tax Certificate, Extension of Tax, Collection.*

SEC. 20. Each board of health shall, annually, on or before the first day of August of each year, transmit to the county clerk in which such public health district is located, or if the public health district is located in more than one county, then to the county clerk of each county in which a part thereof is located, a certificate signed by the chairman and treasurer, setting forth the rate or percentage of such taxes by them levied for the purposes herein provided, and it shall be, and is hereby made the duty of the county clerk to whom such certificate shall be transmitted, to set down in the general tax warrant of the year for the collection of the State and county taxes, in a separate column to be styled a "public health tax," a tax in amount equal to the sum resulting from the rate or percentage so certified by such board of health upon the real and personal property within such health district, or such part thereof as may be located in his county, according to the valuation of the same as made for the purpose of State and county taxation; and shall set down in each column the amount of tax chargeable to the several persons, corporations, lots or parcels of land, liable for taxes in such public health district according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now, or may hereafter be provided by law for the collection of State and county taxes; and the provisions of law in respect to collection of State and county taxes, and proceedings to enforce the same, which are now enforced, or which may be hereafter enacted, so far as applicable, shall apply to such taxes; and as fast as such tax shall be collected by the collector or other officer receiving the same, it shall be paid over to such board of health, on the joint order of the chairman and treasurer of the board of health and shall be receipted for by such treasurer. The funds shall be used only for the purposes herein prescribed and shall be disbursed by the treasurer on the joint order of the chairman and secretary. A failure by the board of health to file the certificate with the county clerk in the required time shall not vitiate the assessment.

AN ACT to provide for the registration of all births, stillbirths and deaths in the State of Illinois, and to repeal an Act entitled, "An Act requiring reports of births and deaths, and the recording of the same, and prescribing a penalty for non-compliance with the provisions thereof, and repealing certain Acts therein named, approved May 6, 1903, in force July 1, 1903." Approved June 22, in force July 1, 1915. L. 1915, p. 660.

61. *Birth and Death Registration, Supervision, Uniform Enforcement, Records.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the State Board of Health shall

have charge of the registration of births, stillbirths, and deaths throughout the State. The said board shall be charged with the uniform and thorough enforcement of this Act throughout the State, and shall cause to be preserved and kept the originals of all such records in the office of the State Board of Health in the Capitol building at Springfield.

62. *Superintendent of Registration, Clerical Help, Compensation, Quarters.*

SEC. 2. That the Secretary of the State Board of Health shall be the Superintendent of such registration of births, stillbirths and deaths. The State Board of Health shall, in conformity with the law, provide for such clerical and other assistance as may be necessary for the purposes of carrying out the provisions of this Act, and the said board may fix the compensation of persons thus employed within the amounts appropriated therefor by the General Assembly. Suitable quarters shall be provided by the Secretary of State for the registration of births, stillbirths, and deaths, which quarters shall be properly equipped with a fireproof vault and with filing cases for the permanent and safe preservation of all official records returned to said board under this Act.

63. *Vital Statistics Registration Districts.*

SEC. 3. That for the purposes of this Act the State shall be divided into vital statistics registration districts (hereinafter referred to as registration districts), as follows:

Each city, village and incorporated town, and each township in counties under township organization (excepting that portion of the township constituting a separate registration district) and each road district in counties not under township organization (excepting that portion of the road district constituting a separate registration district) shall constitute a registration district.

Whenever, in the opinion of the State Board of Health, it is advisable to subdivide a registration district located in territory outside of cities, villages or incorporated towns of less than 100,000 population, or to combine into one district two or more registration districts located in such territory, such consolidation or subdivision may be affected by such board, and whenever two or more registration districts are consolidated or a registration district is subdivided, the said board shall appoint a local registrar for each such newly created district.

64. *Local Registrars, Deputies, Sub-Registrars.*

SEC. 4. That the local registrars for each registration district shall be as follows:

In cities, villages and incorporated towns, the clerk of the city, village or incorporated town shall be the local registrar for the purposes of this Act: *Provided*, that in cities, villages and incorporated towns in which registration of births, stillbirths or deaths is conducted under local ordinance, the officer of the city, village or incorporated town who is local registrar under such ordinance shall be the local registrar under this Act, and such local registrars shall be subject to the rules and regulations of the State Board of Health and to all the provisions of this Act.

In each township in counties under township organization, excepting those portions of the township constituting a separate registration district, the clerk of the township shall be the local registrar for the purposes of this Act.

In each road district in counties not under township organization, excepting those portions of the road district constituting a separate registration district, the road district clerk shall be the local registrar for the purposes of this Act.

Each local registrar, immediately upon taking office, shall, in conformity with the law, appoint a deputy whose duty it shall be to act in his stead in case of absence, illness or disability, and such deputy shall be subject

to all rules and regulations governing local registrars. And when it may appear necessary for the convenience of the people in any registration district, the local registrar, when so directed by the State Board of Health, shall appoint, in conformity with the law, one or more suitable persons to act as sub-registrars, who shall act for the registrar in and for such portion of the registration district as may be designated by said State Board of Health; and each sub-registrar shall note over his signature the date on which each certificate was filed with him and shall forward all such certificates to the local registrar of the district within ten days and in all cases before the third day of the following month. All sub-registrars shall be subject to the supervision and control of the State Board of Health and shall be liable to the same penalties as local registrars, as provided in section 21 of this Act.

65-66. Removal or Burial of Dead Bodies. Death Certificate, Burial or Removal Permits.

SEC. 5. That the body of any person whose death has occurred in the State or which shall have been found therein, shall not be interred or disinterred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into or from place to place in any registration district, nor shall it be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal or other disposition thereof shall have been properly issued by the local registrar, deputy or sub-registrar of the registration district in which the death occurred or the body was found. No burial or removal permit shall be issued by any such registrar until, whenever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided: *Provided*, that when a dead body is transported by common carrier into any registration district for burial therein, then the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit: *And, provided, further*, that where it is necessary to obtain a burial or removal permit before completion of an inquest, the coroner may make out a temporary certificate pending inquest, which certificate shall, whenever practicable, give all the personal and statistical particulars required by this Act and the rules of the State Board of Health. Such certificates shall be marked at the top: "For temporary use only," and shall state under the item cause of death, "Inquest pending." Such temporary certificate shall not be considered a substitute for the permanent certificate provided for in section 8 of this Act.

No local registrar shall require from undertakers or persons acting as undertakers any fee for the issuance of burial or removal permits under this Act.

67. Stillbirth Certificates.

SEC. 6. That a stillborn child shall be registered as a stillbirth and a certificate of stillbirth shall be filed with the local registrar in the same manner as required for a certificate of death: *Provided*, that a certificate of stillbirth shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician or midwife, if either was in attendance, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and if prematurely born, the period of uterogestation in months, if known; and a burial or removal permit of the form prescribed by the State Board of Health shall be required. Stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in section 8 of this Act. If twin, triplet or other plural birth, a separate certificate shall be required for each child in the order of birth.

68. *Death Certificates.*

SEC. 7. That the certificate of death shall contain at least the items of the Standard Certificate of Deaths, approved and adopted by the United States Bureau of the Census. The personal particulars shall be authenticated by the signature and address of the informant who shall be the nearest of kin or other competent person acquainted with the facts. The medical certificate shall be made and signed by the legally qualified physician, if any, last in attendance, or coroner, or by the local registrar as provided for in section 8 of this Act

Certificate of death or of stillbirth and record thereof required by this Act shall not in the case of an illegitimate child or person contain the name or other identifying fact relating to the father or reputed father thereof, or to the mother thereof without the consent of the said father or reputed father to the use of his name, nor the use of the name of the mother without her consent to the use of her name.

69. *Death Certificates by Local Registrars or Coroners.*

SEC. 8. That in case of any death occurring without medical attendance, it shall be the duty of the undertaker or person acting as such to notify the local registrar and the coroner of such death, and in such cases, if no suspicion of death from violence, casualty or undue means exists, the local registrar may make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: *Provided, further*, that if the registrar or coroner has reason to believe that the death may have been due to some cause¹¹ which under the law is subject to investigation by the coroner the death shall then be referred to the coroner or other proper officer for his investigation and certification. The coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes, (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State Board of Health in order to properly classify the death.

70. *Undertakers, Duties.*

SEC. 9. That the undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the local or sub-registrar of the district in which the death occurred, and for securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the nearest of kin, or person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the coroner, if so directed by the local or sub-registrar, for the medical or coroner's certificate of the cause of death and other particulars necessary to complete the record. He shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the local or sub-registrar within the time limit for the issuance of a burial or removal permit: *Provided*, that when the body is the subject of an inquest or an investigation by the coroner, the personal and statistical particulars required herein shall be obtained by the coroner at the time of the inquest or investigation, and over the signature and address of the informant; *Provided, further*, that for deaths in hospitals and institutions, the personal and statistical particulars required herein shall be furnished by the physician or person in charge of such hospitals or institutions, who shall obtain the information from the records of said hospital or institution, as made and provided for in section 16 of this Act.

¹¹ The cause of death of a person is provable by the records required to be made and filed under sections 4, 5 and 8 of the Vital

Statistics act. *Knights & Ladies of Security v. O'Brien* (1904), 112 Ill. App. 40.

The undertaker shall deliver the burial permit to the person in charge of the place where the body is to be buried or otherwise disposed of before the interment or other disposal of the body, or, when the body is shipped by any common carrier, the transit or removal permit must accompany the corpse to its destination, in accordance with the official rules of the State Board of Health governing transportation of the dead, and said permit shall be delivered to the person to whom the body is consigned, or to the person in charge of the cemetery or other place where interment or other disposition is to be made.

71. *Burial Permit, Requisites.*

SEC. 10. That if the interment or other disposition of the body is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar and over his signature that permission is granted to inter, remove or otherwise dispose of the deceased, stating the name, age, sex, cause of death and other necessary details upon the form prescribed by the State Board of Health.

72. *Cemeteries' Register, Filing Burial or Removal Permits.*

SEC. 11. That no dead human body or part thereof shall be received by any person in charge of any premises in which interments and other disposition of human bodies are made unless said body or part thereof is accompanied by a burial permit, issued by any local registrar as herein provided. Each person in charge of any burial ground or other place of disposition of dead human bodies shall keep a record in a book provided for the purpose, of each interment or other disposition of a human body made in the cemetery or other place of disposal in his charge. Such register or record shall be in a form prescribed by the State Board of Health and shall at all times be open to the inspection of said board, the local registrar or their duly authorized representatives. Each person in charge of any burial ground or other place of disposition of a human body shall file the burial or removal permit with the local registrar of the district in which the interment is made within three days from the date of receipt of such body, and he shall immediately report any violations or attempted violations of this Act to the local registrar of his district: *Provided*, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within three days with the registrar of the district in which the cemetery is located: *And, provided, further*, that when the death occurs in another registration district in the State of Illinois that the local registrar of the district in which the body is buried or otherwise disposed of, shall within three days, return all such burial or removal permits to the local registrar issuing same, after having stated on the back of the permit any departure from the provisions of the permit as to place of burial or otherwise, and the local registrar of the district in which the death occurred shall note any such departure on the original death or stillbirth certificate and on the copy or copies thereof.

73. *Registration of Births, Filing Birth Certificates.*

SEC. 12. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

It shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, and in a form prescribed by the State Board of Health, with the local or sub-registrar of the district in which the birth occurred within ten days after the date of birth. If there be no attending physician or midwife, then it shall be the duty of the father, or in case of death or absence of the father, it shall be the duty of the mother, and in the event of the death or disability of the mother, then it shall be the duty of the householder where the birth occurred, to file such certificate of birth with the local registrar within ten days after such birth; or if the birth occurred in a public or private institution, it shall be the duty

of the manager or superintendent of such institution to file with the local or sub-registrar a certificate of such birth, properly and completely filled out as required by this Act: *Provided*, that in order to prevent blindness and otherwise conserve the health and life of infants, the State Board of Health on request of any health officer of any registration district, shall direct and require that persons, residing in such district, charged with the duty of reporting births, shall file with the local registrar such reports within twenty-four hours, and for this purpose, a short form on postal card may be used; *Provided, further*, that said brief postal card report shall not take the place of the complete report provided for in this Act, and that no fees shall be paid to registrars, deputy registrars or sub-registrars for receiving, handling, or recording such postal form reports.

74. Birth Certificates, Requisites.

SEC. 13. That the certificate of birth shall contain at least the items of the standard certificate of birth as approved and adopted by the United States Bureau of the Census: *Provided*, that the certificate of birth and record thereof required by this Act shall not, in the case of an illegitimate child, contain the name of (or) other identifying fact, relating to the father or reputed father or to the mother thereof, without the consent of said father or reputed father to the use of his name, nor the use of the name of the mother, without her consent to the use of her name.¹²

75. Supplemental Reports and Affidavits.

SEC. 14. That when any certificate of birth of a living child is presented without the statement of the given name, then the local or sub-registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to such registrar as soon as the child shall have been named.

Where the birth of a child born prior to the taking effect of this Act has not been recorded, or in case of failure to report any birth which occurs subsequent to the taking effect of this Act within the time prescribed herein, such report may be received and filed by the local registrar, for the purposes and uses of this Act, when such report is accompanied by affidavits of the father or mother of the child, or if neither father nor mother of the child is living, of the nearest of kin or guardian.

76. Registration of Physicians, Etc., Local Registrar's Annual Return.

SEC. 15. That every physician, midwife, undertaker and sexton shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this Act, together with such rules and regulations as may be prepared by the State Board of Health relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Board of Health of all physicians, midwives, undertakers and sextons who have been registered in his district during the whole or any part of the preceding calendar year: *Provided*, that no fee or any compensation shall be charged by local registrars to physicians, midwives, undertakers or sextons for registering their names under this section or for making returns thereof to the State Board of Health.

77. Hospitals, Etc., Record.

SEC. 16. That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed

¹² The certificate of a birth is evidence only of those facts which occur in the presence of the physician making the return and required by statute or rule to be stated therein. *Howard v. Illinois Trust & Savings Bank* (1901), 189 Ill. 568, 574.

The birth certificate of a physician who makes it a practice of falsifying entries therein is inadmissible in evidence. *Howard v. Illinois Trust & Savings Bank* (1901), 189 Ill. 568, 573, 574.

by process of law, shall make a record of all the personal and statistical particulars relative to the inmates of their institutions at the date of taking effect of this Act, that are required in the forms of the certificates prescribed by the State Board of Health; and thereafter such record shall be, by them, made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical or surgical treatment of disease or injury, the physician in charge shall specify for entry in the records the nature of the disease or injury, and where, in his opinion, it was contracted or received. The personal particulars and information required shall be obtained from the individual himself if it is practicable to do so, and when they can not be so obtained, they shall be secured in as complete a manner as possible from relatives, friends or other persons acquainted with the facts.

78. *Blank Forms, Instructions, Examination of Certificates, Information, Annual Report.*

SEC. 17. That the State Board of Health shall prescribe all forms of reports of births, stillbirths and deaths and shall prepare, print and supply all local registrars with copies of all blanks and forms sufficient to carry out the provisions of this Act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration and no other blanks shall be used than those supplied by the State Board of Health: *Provided*, that in any city, incorporated town or village, the local department or board of health or the city clerk, as the case may be, may have printed blank forms bearing such items of record or instructions as may be necessary for the needs and purposes of carrying out the provisions of local ordinances, not in conflict with the forms prescribed or approved by the State Board of Health; *And, provided, further*, that the State Board of Health shall not supply the short form on postal cards for the reporting of births mentioned in section 12 of this Act.

The State Board of Health shall carefully examine the certificates received monthly from the local registrars and if any such are incomplete or unsatisfactory shall require such further information to be furnished as may be necessary to make the records complete and satisfactory. All physicians, midwives, coroners, superintendents of hospitals or institutions, informants, undertakers or sextons, connected with any birth, stillbirth or death, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any death, stillbirth or birth (excepting such information as may divulge the parentage of an illegitimate child, as provided in section 13 of this Act) upon demand of the State Board of Health, by mail, or through an accredited representative. Said board shall arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive card index of all births and deaths registered, and shall compile and publish for the information of the citizens of the State an annual report of births and deaths, which report shall contain such data as, in the opinion of the said board, will serve to promote public health and the general welfare of the citizens of the State.

79. *Local Registrars, Duties and Reports.*

SEC. 18. That it shall be the duty of the local registrars to supply blank forms of certificates to such persons as require them. Each local registrar or sub-registrars shall carefully examine each certificate of birth, stillbirth or death when presented for record, to see that it has been made out in accordance with the provisions of this Act and the instructions of the State Board of Health, and if any certificate of death or stillbirth is incomplete or unsatisfactory, it shall be the duty of the local registrar to call attention to the defects in the return and at his discretion he may withhold issuing the burial or removal permit until such defects are corrected. If the certificate of death or stillbirth is properly executed and is complete, as far as is practicable, he shall then issue a burial or removal permit to the undertaker: *Provided*, that in case the death occurred from any disease that is

communicable and dangerous to the public health, the permit for the removal or other disposition of the body shall be granted by the local or sub-registrar, under such rules as may be prescribed by the State Board of Health, or under local rules or ordinances not in conflict with the rules of the State Board of Health. If a certificate of birth is incomplete, the local registrar shall immediately notify the person making such report and require him or her to supply the missing items if they can be obtained. The local registrar shall number consecutively the certificates of births, stillbirths and deaths in three separate series, beginning with No. 1 for the first birth, stillbirth or death in each calendar year, and sign his name as local registrar in the attest of the date of filing in this office. He shall also make a complete and accurate copy or copies of each birth, stillbirth and death certificate registered by him on blank certificates of births, stillbirths and deaths, or in a record book of approved form prescribed by the State Board of Health. Local registrars shall deposit with the county clerks of their respective counties on the tenth day of each month, one complete set of the records, births, stillbirths and deaths registered with them during the preceding months, and the county clerks are charged with the binding and indexing, or recording, and safe keeping of such records: *Provided, however,* that the local registrar shall obtain the given name of the child before reporting a birth to the county clerk. Each local registrar shall, on the tenth day of each month, transmit to the State Board of Health all original certificates registered by him, including those received from his sub-registrars, during the preceding month: *Provided,* that any city, incorporated town or village which is a registration district for the purposes of this Act, may cause to be made extra copies of any or all birth, stillbirth and death certificates filed with the local registrar, such extra copies to be in addition to those copies which are required to be made for and turned over to the county clerk, as provided for in this Act, and such extra copies may be retained by any city, incorporated town or village as its permanent record.

If no birth, stillbirth or death occurred in any month, the local registrar shall on the tenth day of the following month, report that fact to the State Board of Health and the county clerk, on a card provided for that purpose. (Amended by Act filed June 28, in force July 1, 1917. L. 1917, p. 759.)

80. Fees, Appropriation.

SEC. 19. That each registrar for a registration district shall be paid the sum of twenty-five cents (\$.25) for each birth, stillbirth and death certificate properly and completely made out, filed with and registered by him, up to an aggregate annual total of five thousand certificates, and for each such certificate so made out and filed with and registered by him, in excess of an annual total of five thousand certificates, the registrar shall be paid the sum of ten cents (\$.10): *Provided,* that the original (s) of all such certificates have been turned over by him to the State Board of Health, and that accurate copies of all such certificates have been made and turned over by him to the county clerk of his county as provided for in this Act.

In case no birth, stillbirth or death was registered during a month, the local registrar shall be paid the sum of twenty-five (cents) (\$.25) for a report to that effect, but only if such report be made promptly as required by this Act.

When no record of a birth exists or when report of birth is not made within the time prescribed by this Act and affidavits are required to establish such record the local registrar who receives and files such record shall be entitled to the sum of twenty-five cents (\$.25) to be paid by the person upon whose application the birth is recorded: *Provided,* that, in registration districts co-extensive with cities, villages or incorporated towns in which registration of births, stillbirths or deaths is conducted under local ordinances and the local registrars receive fixed salaries in lieu of fees, all fees received under this Act shall be paid into the treasuries of such cities, villages or incorporated towns.

The State Board of Health shall, at the close of each calendar year, certify to the county clerk of each of the several counties the number of births, stillbirths and deaths properly registered in his county, with the

names of the persons entitled to the prescribed fees, and the amount due each at the rate fixed in this Act.

The amounts payable to local registrars under the provisions of this Act are hereby made and declared to be a charge upon the county in which said fees accrue, and the county clerk, or other county officer by whom warrants on the county treasurer are issued, of each of the several counties, shall issue to such local registrars his warrant upon the county treasurer of said county for the amount of fees due each person entitled to said fees in his county as certified to by the State Board of Health, and the county treasurer of said county shall pay the same upon presentation.

It shall be the duty of all boards of county commissioners or boards of supervisors, as the case may be, to appropriate such amounts as may be necessary for efficiently carrying out the provisions of this Act in their respective counties.

81. *Certified Copies, Evidence, Fees.*

SEC. 20. The State Board of Health, any local registrar or any county clerk, shall, on request, furnish a certified copy of the record of any birth, stillbirth or death to any applicant entitled to the same upon the payment by such applicant of a fee of fifty cents (\$.50) to the maker of such certified copy. Any such copy of a birth, stillbirth or death, when properly certified to by the State Board of Health or the local registrar or the county clerk, shall be *prima facie* evidence in all courts and places of the facts therein stated; *Provided*, that the United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of birth, stillbirth and death certificates without payment of the fees herein prescribed, *And, provided, further*, that the State Board of Health, in its discretion and in the interests of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this Act, a special certificate of birth, limited in its statement of items from record of birth, to the name of the child, names of the parents, date and place of birth, date recorded, and the name of the attendant; such certificate, however, shall not be deemed as fulfilling the requirements of the certified copy of a record of birth for which payment is hereinbefore provided.

82. *Penalties.*

SEC. 21. That any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this Act; or (c) shall wilfully alter, otherwise than is hereinafter provided in this Act, or shall falsify any certificate of birth, stillbirth or death, or any record established in this Act; or (d) being required by this Act to fill out a certificate of birth, stillbirth or death and filed the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, or neglect, or refuse to perform such duty in the manner required by this Act; or (e) being a local registrar, deputy registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required by this Act and by the instructions and directions of the State Board of Health thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) and for each subsequent offense not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned in the discretion of the court.

Provided, that marginal notes placed on a certificate or report of birth, stillbirth or death, by a local registrar, or any official empowered by this Act to record such certificates or records, and attested by the signature of such registrar or official, shall not be considered as an alteration in violation of the provision of this Act.

83. *Enforcement and Prosecution.*

SEC. 22. That each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this Act in his district under the supervision and direction of the State Board of Health. He shall make immediate report to the State Board of Health of any violation of this law coming to his knowledge, by observation or upon the complaint of any person, or otherwise. The State Board of Health is hereby charged with the thorough and efficient execution of the provisions of this Act in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars and sub-registrars, to the end that all its requirements shall be uniformly complied with. The State Board of Health, or its accredited representatives, shall have authority to investigate cases of irregularity or violation of law, and all registrars shall aid said board upon request, in such investigations. And when it is deemed necessary, the State Board of Health shall report cases of violation of any of the provisions of this Act to the State's attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to the said State's attorney by the State Board of Health, said State's attorney shall forthwith initiate and properly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of the law. And upon request of the State Board of Health, the Attorney General shall likewise assist in the enforcement of the provisions of this Act.

Provided, that in cities, incorporated towns or villages, operating under local ordinances, the local registrar may report such violation to the city or local prosecuting attorney and any such prosecuting attorney so notified shall forthwith initiate and promptly follow up the necessary court proceedings, and when violation involves both local ordinances and the statutes, the State's attorney and Attorney General, upon request of the State Board of Health, shall likewise assist in the enforcement of the provisions of this Act.

84. *Repeal.*

SEC. 23. That an Act entitled, "An Act requiring reports of births and deaths, and the recording of the same and prescribing a penalty for non-compliance with the provisions thereof, and repealing certain Acts therein named, approved May 6, 1903, in force July 1, 1903," and all amendments thereto be and the same is hereby repealed.

AN ACT to provide for the treatment and care of poor persons afflicted with the disease called rabies. Approved May 12, in force July 1, 1905. Laws 1905, p. 38.

WHEREAS, The Forty-fourth General Assembly of the State of Illinois recognizes the duty of the State to provide care, for such of its citizens as are, or may become afflicted with the disease of rabies, or hydrophobia; therefore,

85. *Rabies, Institution for Treatment, Selection.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That overseers of the poor or other officers having charge of the dispensation of public charity in the several counties of this State may hereafter send to an institution within the State of Illinois for the preventive treatment of hydrophobia, such institution to be selected by the State Board of Health, all poor persons duly certified by regular physicians to have been bitten by rabid animals or otherwise put in danger of infection with rabies.

86. *Transportation Expenses.*

SEC. 2. The transportation of such poor persons, with necessary attendant or attendants to and from said institution, shall be a charge upon the

counties in which they reside. The sustenance, nursing and preventive treatment of such poor person for the time adjudged necessary, shall be provided by such institution.

87. *Appropriation.*

SEC. 3. The charges for the services of said institution shall be paid by the State of Illinois at a rate not exceeding one hundred dollars a patient, and there is hereby appropriated the sum of two thousand dollars, or as much thereof as may be necessary to expend, for the purpose of this Act.

88. *Inspection, Report.*

SEC. 4. The said institution shall be at all times open to the inspection of the Governor and of the State Board of Health or of the accredited representative of either, and shall annually, on or before the fifteenth of January of each year, make its report to the Governor.

BLINDNESS, TUBERCULOSIS AND OTHER DISEASES.

AN ACT for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this Act. Approved June 24, in force July 1, 1915. L. 1915, p. 366.

89. *Ophthalmia Neonatorum Defined.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any diseased condition of the eye, or eyes of any infant in which there is any inflammation, swelling or redness in either one or both eyes of any such infant, either apart from or together, with any unnatural discharge from the eye, or eyes of such infant, at any time within two weeks after the birth of such infant, shall, independent of the nature of the infection, be known as ophthalmia neonatorum.

90. *Obstetricians' Duties, Reports, Evidence.*

SEC. 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity, home or hospital, of any nature or parent, assisting in any way whatever, any woman at childbirth, or assisting in any way whatsoever, any infant, or the mother of any infant, at any time within two weeks after childbirth, observing or having a reasonable opportunity to observe the condition herein defined, and within six hours thereafter, to report in writing or by telephone, followed by a written report, such fact to the local health authorities of the city, town, village or other political division, as the case may be, in which the mother of any such infant may reside: *Provided*, that such reports and the records thereof shall be deemed privileged information and shall not be open to the public.

91. *Maternity Hospitals and Homes, Posting of Act, Instruction, Preventive Treatment, Information.*

SEC. 3. It shall be the duty of all maternity homes and any and all hospitals or places where women resort for purposes of childbirth, to post and keep posted in conspicuous places in their institution, copies of this Act, and to instruct persons professionally employed in such homes, hospitals and places regarding their duties under this Act, and to maintain such records of cases of ophthalmia neonatorum in the manner and form prescribed by the State Board of Health.

It shall be the duty of any and all physicians and midwives to advise, for the prevention of ophthalmia neonatorum, such prophylactic as shall be prescribed by the State Board of Health, and to inform the parents or guardians of a child as to the dangers and dire consequences of this disease, for the purpose of preventing the development of ophthalmia neonatorum in cases of childbirth attended by midwives; midwives may employ the prophylactic prescribed by the State Board of Health, provided the consent of the parent or parents or guardian shall first be obtained for the use of such preventive treatment.

92. *Health Officers, Duties.*

SEC. 4. It shall be the duty of the local health officer:

(1) To investigate, in so far as that can be done without entering into the home or interfering with the child in any way without first securing the consent of the parents or guardians of such child, each case of ophthalmia neonatorum reported to him in compliance with this law, and any other such case as may come to his attention.

(2) To report all cases of ophthalmia neonatorum and the results of all such investigations as he may make, to the State Board of Health in the manner and form prescribed by said board.

93. *State Board of Health, Duties.*

SEC. 5. It shall be the duty of the State Board of Health:

(1) To enforce the provisions of this Act;

(2) To provide for the gratuitous distribution of a scientific prophylactic for ophthalmia neonatorum, together with proper directions for the use and administration thereof, to all physicians and midwives authorized by law to attend at the birth of any child;

(3) To have printed and published for distribution throughout the State advice and information concerning the dangers of ophthalmia neonatorum and the necessity for the prompt and effective treatment thereof;

(4) To furnish similar advice and information, together with copies of this law to all physicians, midwives, and others authorized by law to attend at the birth of any child;

(5) To prepare appropriate report blanks and to furnish same to all local health officers for distribution to physicians and midwives free of charge;

(6) To report any and all violations of this Act to the prosecuting attorney of the district wherein said violation may have been committed.

94. *Collusion and Concealment, Penalty.*

SEC. 6. Any collusion between any official and any person, or between any others herein named, to misstate or conceal any facts which under this Act are essential to report correctly any case of ophthalmia neonatorum, shall likewise constitute a misdemeanor, and any person upon conviction thereof, shall suffer a penalty such as is hereinafter provided.

95. *Prosecution, State's Attorney.*

SEC. 7. It shall be the duty of the State's Attorney for the proper district to prosecute for all misdemeanors as herein prescribed.

96. *Violations, Penalty.*

SEC. 8. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ten (\$10) dollars nor more than one hundred (\$100) dollars in the discretion of the court.

97. *Repeal.*

SEC. 9. An Act for the prevention of blindness, approved June 21, 1895, in force July 1, 1895, is hereby repealed.

AN ACT for the licensing, inspection and regulation of maternity hospitals, lying-in homes, or other places, public or private, for the confinement of women, and to provide a penalty for violation thereof. Approved June 24, in force July 1, 1915. L. 1915, p. 254.

98. *Maternity Hospitals, Application, License, Revocation.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all persons, societies, associations, organizations or corporations, conducting, maintaining or carrying on any maternity or lying-in hospital or other place, public or private, where females may be received, cared for or treated during pregnancy or during or after delivery, must apply for and obtain license therefor from the State Board of Administration. Applications shall be made upon the blanks prescribed

by said board, and shall be endorsed by six or more persons of good moral character who are regular taxpayers of the county where such maternity or lying-in hospital is located and who shall certify to the respectability of the applicant. If, in the opinion of said board such hospital is to be carried on for legitimate purposes and the persons connected therewith are proper and suitable persons to conduct such hospital, then a license shall be issued.

If at any time after such license is issued any manager, superintendent or person in charge of such hospital shall have violated any of the provisions of this Act or that such hospital shall fail or refuse to comply with the orders of the State Board of Administration made pursuant to this Act, such license shall be immediately revoked.

99. Register, Information Required, Report.

SEC. 2. Every licensee shall keep a register of all persons admitted, the date of birth of every child born on said premises, date of discharge of mother and of child, and if child is placed in a foster home, the name of such foster parent or parents, the address thereof, when placed, and if the child has been legally adopted, and such other information as the State Board of Administration may from time to time require. A copy of all such information shall be made to said board on the first of each month.

100. Adoption of Children, Investigation.

SEC. 3. No child from such maternity or lying-in hospital shall be placed in a family, home or be legally adopted until such home shall have been investigated and approved by the State Board of Administration.

101. Visitation.

SEC. 4. The Board of Administration, through its agents, shall at all times have free access to any hospital licensed under this Act and to all its records.

102. Violations, Penalty.

SEC. 5. Any manager, superintendent, or person in charge of such maternity or lying-in hospital who fails or refuses to procure a license as provided in section 1 hereof, or any one who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and fined not less than \$50 nor more than \$500, or by imprisonment in the county jail for not to exceed one year, or both fine and imprisonment, in the discretion of the court.

AN ACT to revise the law in relation to counties. Approved and in force March 31, 1874.

103. County Public Tuberculosis Sanitarium, Real and Personal Property.

SEC. 24. Each county shall have power— * * *

Fifth—To purchase and hold real estate upon which may be erected and maintained by the county a sanitarium for the care and treatment of the residents of the county who may be afflicted with tuberculosis; and to purchase, hold and use all necessary personal property for the proper care and maintenance of such real estate and sanitarium. (Amended by Act approved June 6, in force July 1, 1911. L. 1911, p. 246.

104. Buildings.

SEC. 25. The county boards of the several counties shall have power—

* * *
Ninth—To cause to be erected, or otherwise provided, and maintained, all suitable buildings for a sanitarium, for the care and treatment of all persons suffering from tuberculosis who may be admitted to said sanitarium by, or under the direction of said board, and to provide for the maintenance and management of the same. (Amended by Act approved June 22, in force July 1, 1915. L. 1915, p. 334.)

AN ACT to authorize county authorities to establish and maintain a county tuberculosis sanitarium, and branches, dispensaries and other auxiliary institutions connected with the same, and to levy and collect a tax to pay the cost of their establishment and maintenance. Approved June 28, in force July 1, 1915. L. 1915, p. 346.

105. *Sanitarium, Establishment, Taxes, Fund.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the county board of each county of this State shall have the power, in the manner hereinafter provided, to establish and maintain a county tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, within the limits of such county, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax not to exceed three mills on the dollar annually on all taxable property of such county, such tax to be levied and collected in like manner with the general taxes of such county, and to form, when collected, a fund to be known as the "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other taxes which such county is now, or hereafter may be, authorized to levy on the aggregate valuation of all property within such county, and the county clerk, in reducing tax levies under the provisions of section 2 of an Act entitled, "An Act to amend section 2 of an Act entitled, 'An Act concerning the levy and extension of taxes,' approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905," approved June 14, 1909, in force July 1, 1909, shall not consider the tax for said tuberculosis sanitarium fund, authorized by this Act, as a part of the general tax levy for county purposes, and shall not include the same in the limitation of three (3) per cent of the assessed valuation upon which taxes are required to be extended.

106. *Tuberculosis Tax, Submission to Voters, Annual Appropriation.*

SEC. 2. When one hundred legal voters of any county shall present a petition to the county board of such county, asking that an annual tax may be levied for the establishment and maintenance of a county tuberculosis sanitarium in such county, such county board shall instruct the county clerk to, and the county clerk shall, in the next legal notice of a regular general election in such county, give notice that at such election every elector may vote "For the levy of a tax for a county tuberculosis sanitarium," or "Against the levy of a tax for a county tuberculosis sanitarium," and provision shall be made for voting on such proposition, in accordance with such notice, and if a majority of all the votes cast upon the proposition shall be for the levy of a tax for a county tuberculosis sanitarium, the county board of such county shall thereafter annually levy a tax of not to exceed three mills on the dollar, which tax shall be collected in like manner with other general taxes in such county and shall be known as the "tuberculosis sanitarium fund," and thereafter the county board of such county shall, in the annual appropriation bill, appropriate from such fund such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such county tuberculosis sanitarium.

107. *Directors, Appointment of First Board.*

SEC. 3. When in any county such a proposition for the levy of a tax for a county tuberculosis sanitarium has been adopted as aforesaid, the chairman or president, as the case may be, of the county board of such county shall, with the approval of the county board, proceed to appoint a board of three directors, one at least of whom shall be a licensed physician, and all of whom shall be chosen with reference to their special fitness for such office.

108. *Directors, Appointment of Succeeding Boards, Term of Office, Removal.*

SEC. 4. One of said directors shall hold office for one year, another for two years, and another for three years, from the first day of July following their appointment, but each until his successor is appointed, and at their first regular meeting they shall cast lots for the respective terms; and annu-

ally thereafter the chairman or president, as the case may be, of the county board shall, before the first day of July of each year, appoint as before one director, to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The chairman or president, as the case may be, of the county board may, by and with the consent of the county board, remove any director for misconduct or neglect of duty.

109. Vacancies, Compensation.

SEC. 5. Vacancies in the board of directors, occasioned by removal, resignation, or otherwise, shall be reported to the county board, and be filled in like manner as original appointments; and no director shall receive compensation as such, or be interested, either directly or indirectly, in the purchase or sale of any supplies for said sanitarium.

110. Organization, Rules and By-Laws, Powers and Duties, Funds.

SEC. 6. Said directors shall, immediately after appointment, meet and organize, by the election of one of their number as president and one as secretary, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the sanitarium and the branches, dispensaries and auxiliary institutions and activities connected therewith, as may be expedient, not inconsistent with this Act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the tuberculosis sanitarium fund, and of the construction of any sanitarium building, or other buildings necessary for its branches, dispensaries, or other auxiliary institutions or activities in connection with said institution, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: *Provided*, that all moneys received for such sanitarium with the exception of moneys the title to which rests in the board of directors in accordance with section 9, *infra*, shall be deposited in the treasury of said county to the credit of the tuberculosis sanitarium fund, and shall not be used for any other purpose, and shall be drawn upon by the proper officers of said county upon the properly authenticated vouchers of said board of directors. Said board of directors shall have the power to purchase or lease ground within the limits of such county, and to occupy, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith, by and with the approval of the county board: *Provided, however*, that no such building shall be constructed until detailed plans therefor shall have been submitted to the secretary of the State Board of Health, and shall have been approved by him: *And, provided, further*, that no building in which tuberculosis patients are to be housed shall be built on the grounds of a county poor farm, but shall have separate and distinct grounds of its own. Said board of directors shall have the power to appoint suitable superintendents or matrons, or both, and all necessary assistants, and to fix their compensation, and shall also have the power to remove such appointees, and shall in general carry out the spirit and intent of this Act in establishing and maintaining a county tuberculosis sanitarium: *Provided*, that no sanitarium or branch, or dispensary, or auxiliary institution, or activity, under this Act, for tuberculosis patients shall be under the same management as a county poor farm or infirmary, but shall, on the contrary, be under a management separate and distinct in every particular. One or more of said directors shall visit and examine said sanitarium, and all branches, dispensaries, auxiliary institutions, and activities at least twice in each month, and shall make monthly reports of the condition thereof to the county board.

111. Admission to Sanitarium, Rules, Privileges and Benefits, Nonresidents.

SEC. 7. Every sanitarium established under this Act shall be free for the benefit of such of the inhabitants of such county as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance, according to the rules and regulations prescribed by said board of directors. Such sanitarium shall always be subject to such reason-

able rules and regulations as said board of directors may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board of directors may exclude from the use of said sanitarium any and all persons who shall wilfully violate such rules or regulations: *Provided, however,* that no person so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries, or other auxiliary institutions without his consent in writing first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian or conservator, as the case may be. Said board of directors shall, upon request or by consent of the person afflicted, or of the parent or parents, guardian or conservator thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted, which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such county. And said board of directors may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such county, in this State, upon such terms and conditions as said board of directors may from time to time by its rules and regulations prescribe.

112. Gifts and Donations, Annual Report.

SEC. 8. Said board of directors, in the name of the county, may receive from any person any contribution or donation of money or property, and shall pay over to the treasurer of such county all moneys thus received, as often as once in each month, and shall take the receipt of such treasurer therefor; and shall also, at each regular meeting of the county board, report to such county board the names of all persons from whom any such contribution or donation has been received, since the date of the last report, and the amount and nature of the property so received from each, and the date when the same was received. And said board of directors shall make, on or before the second Monday in June of each year, an annual report to the county board, stating the condition of their trust on the first day of June of that year, the various sums of money received from the tuberculosis sanitarium fund and from other sources, and how such moneys have been expended, and for what purposes the number of patients, and such other statistics, information and suggestions as they may deem of general interest.

113. Gifts and Donations, Title.

SEC. 9. Any person desiring to make any donation, bequest or devise of any money, personal property, or real estate, for the benefit of such sanitarium, shall have the right to vest the title to the money, personal property, or real estate so donated, in the board of directors created under this Act, to be held and controlled by such board of directors, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property, the said board of directors shall be held and considered to be special trustees.

114. Rules and Regulations, Scope.

SEC. 10. When any such sanitarium is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board of directors may prescribe; and such rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within such county, and to all employees in the same, and to all employees sent, as herein provided for, to the homes of the afflicted.

115. Physicians' Privileges.

SEC. 11. All reputable physicians shall have equal privileges in treating patients in any county tuberculosis sanitarium.

116. Saving Clause.

SEC. 12. Nothing contained in this Act shall be construed to amend or repeal paragraph ninth of section 25 of an Act entitled, "An Act to amend sections 24 and 25 of an Act entitled, 'An Act to revise the law in relation to counties,' approved and in force March 31, 1874," approved April 26, 1909, in force July 1, 1909, but said paragraph ninth shall, on the contrary, remain in full force and effect.

AN ACT to enable cities and villages to establish and maintain public tuberculosis sanitariums. Approved March 7, in force July 1, 1908. L. 1907-1908, p. 43.

117. Cities and Villages, Public Tuberculosis Sanitarium, Establishment, Tax, Fund.

SECTION 1. That the city council of cities and boards of trustees in villages of this State shall have the power, in the manner hereinafter provided, to establish and maintain a public sanitarium and branches, dispensaries and other auxiliary institutions connected with same within or without the limits of such cities and villages, for the use and benefit of the inhabitants of such city or village for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax not to exceed one mill on the dollar annually on all taxable property of such city or village, such tax to be levied and collected in like manner with the general taxes of the said city or village and to be known as the "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other taxes which such city or village is now or hereafter may be authorized to levy upon the aggregate valuation of all property within such city or village, and the county clerk, in reducing tax levies under the provisions of section two (2) of an Act entitled, "An Act to amend section two (2) of an Act entitled, 'An Act concerning the levy and extension of taxes,' approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905," approved June 14, 1909, in force July 1, 1909, shall not consider the tax for said tuberculosis sanitarium fund authorized by this Act as a part of the general tax levy for city or village purposes, and shall not include the same in the limitation of three (3) per cent of the assessed valuation upon which taxes are required to be extended. (Amended by Act approved June 27, in force July 1, 1913. L. 1913, p. 182.)

118. Tuberculosis Tax, Submission to Voters, Annual Appropriation.

SEC. 2. When one hundred legal voters of any such city or village shall present a petition to the city council or board of trustees of such city or village, as the case may be, asking that an annual tax may be levied for the establishment and maintenance of a public tuberculosis sanitarium in such city or village, such city council or board of trustees, as the case may be, shall instruct the city or village clerk to, and such city or village clerk shall, in the next legal notice of the regular annual election in such city or village, give notice that at such election every elector may vote "For the levy of a tax for a public tuberculosis sanitarium," or "Against the levy of a tax for a public tuberculosis sanitarium," and if the majority of all the votes cast upon the proposition is, that such city or village shall be "for the tax for a public tuberculosis sanitarium," the city council or board of trustees of such city or village shall thereafter annually levy a tax of not to exceed one mill on the dollar, which tax shall be collected in like manner with other general taxes in such city or village and shall be known as the "Tuberculosis Sanitarium Fund," and thereafter the city council or board of trustees, as the case may be, of such city or village shall include and appropriate from such fund in the annual appropriation bill such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such tuberculosis sanitarium. (Amended by Act approved and in force March 12, 1909. L. 1909, p. 143.)

119. Directors, Appointment of First Board.

SEC. 3. When any such city council or board of trustees shall have decided to establish and maintain a public tuberculosis sanitarium under this

Act, the mayor of such cities and the president of the board of trustees of such villages shall, with the approval of the city council or board of trustees, as the case may be, proceed to appoint a board of three directors, one of whom, in cities or villages having a board of health, shall be from such board of health, and the other two from the citizens at large and shall be chosen with reference to their special fitness for such office.

120. Directors, Appointment of Succeeding Boards, Term of Office, Removal.

SEC. 4. Said directors shall hold office one-third for one year, one-third for two years and one-third for three years from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor or president of the board of trustees, as the case may be, shall, before the first of July each year, appoint as before, one director to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The mayor or president of the board of trustees, as the case may be, by and with the consent of the city council or board of trustees, as the case may be, remove any director for misconduct or neglect of duty.

121. Vacancies, Compensation.

SEC. 5. Vacancies in the board of directors, occasioned by removal, resignation or otherwise, shall be reported to the city council or board of trustees, as the case may be, and be filled in like manner as original appointments, and no director shall receive compensation as such and shall not be interested, either directly or indirectly, in the purchase or sale of any supplies for said sanitarium.

122. Organization, Rules and By-Laws, Powers and Duties, Funds.

SEC. 6. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president and one as secretary and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the sanitarium and the branches, dispensaries and auxiliary institutions and activities connected therewith as may be expedient, not inconsistent with this Act and the ordinances of such city or village. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the tuberculosis sanitarium fund and of the construction of any sanitarium building or other buildings necessary for its branches, dispensaries and other auxiliary institutions and activities in connection with said institution, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such sanitarium shall be deposited in the treasury of said village or city to the credit of the tuberculosis sanitarium fund, and shall not be used for any other purpose and shall be drawn upon by the proper officers of said city or village upon the properly authenticated vouchers of the sanitarium board. Said board shall have the power to purchase or lease ground within or without the limits of such city or village, and to occupy, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith, by and with the approval of the city council or board of trustees, as the case may be; and shall have the power to appoint suitable superintendents or matrons, or both, and all necessary assistants, and fix their compensation, and shall also have the power to remove such appointees, and shall in general carry out the spirit and intent of this Act in establishing and maintaining a public sanitarium, and one or all of said directors shall visit and examine said sanitarium at least twice in each month and make monthly reports of its condition to the city council or board of trustees, as the case may be. (Amended by Act approved June 27, in force July 1, 1913. L. 1913, p. 182.)

123. Admission to Sanitarium, Rules, Privileges and Benefits, Nonresidents.

SEC. 7. Every sanitarium established under this Act shall be free for the benefit of the inhabitants of such city or village who may be afflicted with

tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance according to the rules and regulations prescribed by said board. Such sanitarium shall always be subject to such reasonable rules and regulations as said board may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board may exclude from the use of said sanitarium any and all inhabitants and persons who shall wilfully violate such rules or regulations: *Provided, however,* that no person so afflicted shall be compelled to enter such sanitarium or any of its branches, dispensaries or other auxiliary institutions without his consent in writing first having been obtained, or in case of a minor or one under a disability, the consent in writing of the parents, guardian or conservator, as the case may be.

Said board shall, upon request or by consent of the party afflicted or the legal guardian, conservator or parents thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis and to furnish nurses, instruction, medicines, attendance and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted which will have a tendency to effect a cure of the person or persons so afflicted therewith and to stamp out tuberculosis in such city or village.

And said board may extend the privileges and use of such sanitarium and treatment to persons residing outside of such city or village in this State so afflicted, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe. (Amended by Act approved June 27, in force July 1, 1913. L. 1913, p. 182.)

124. Gifts and Donations, Annual Report.

SEC. 8. Said board of directors, in the name of the city or village, may receive from any inhabitant or person any contribution or donation of money or property and shall pay over to said city or village treasurer all moneys thus received as often as once in each month and shall take the receipt of the treasurer therefor; and shall also, at the regular monthly meeting of the city council or board of trustees, report to such city council or board of trustees, the names of such persons or inhabitants from whom any such contribution or donation has been received and the amount and nature of property so received from each and the date when the same was received. And said board of directors shall make, on or before the second Monday in June of each year, an annual report to the city council or board of trustees, as the case may be, stating the condition of their trust on the first day of June of that year, the various sums of money received from the "Sanitarium Fund," and from other sources and how much moneys have been expended and for what purposes; the number of patients and such other statistics, information and suggestions as they may deem of general interest.

125. Rules and Regulations, Scope.

SEC. 9. When such sanitarium is established, the physicians, nurses, attendants, the persons sick therein and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board may prescribe; and such rules and regulations shall extend to all branches, dispensaries and other auxiliary institutions located within or without such city or village and to all employees in same and to all employees sent to the homes of the afflicted as herein provided for. (Amended by Act approved June 27, in force July 1, 1913. L. 1913, p. 182.)

126. Gifts and Donations, Title.

SEC. 10. Any person desiring to make any donation, gift, bequest, or devise of any money, personal property or real estate, for the benefit of such sanitarium shall have the right to vest the title to the money, personal property or real estate so donated in the board of directors created under this Act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property and as

to such property, the said board shall be held and considered to be special trustees.

127. *Physicians' Privileges.*

SEC. 11. All reputable physicians shall have equal privileges in treating patients in said sanitarium.

128. *Abolishment of Sanitarium, Ordinance, Enactment.*

SEC. 12. Whenever the Board of Directors of any Public Tuberculosis Sanitarium, established and maintained under this Act, shall recommend, in writing, to the city council or board of trustees, as the case may be, the discontinuance of any public tuberculosis sanitarium, stating in said report the reasons therefor, the said city council or board of trustees, may pass an ordinance for the discontinuance of such public tuberculosis sanitarium. (Added by amendment by Act approved June 28, in force July 1, 1915. L. 1915, p. 314.)

129. *Abolishment Ordinance, Referendum.*

SEC. 13. Whenever such ordinance is passed for the discontinuance of any such sanitarium, the said ordinance shall be submitted to the voters of such city or village, as the case may be, at the next succeeding general or special election, or at any special election called for that purpose, and the said ordinance shall become operative, effective and valid if approved by a majority of such voters voting upon the question. (Added by amendment by Act approved June 28, in force July 1, 1915. L. 1915, p. 314.)

130. *Abolishment Ballot, Form.*

SEC. 14. Such ordinance shall be printed on a ballot in full, which shall be separate and distinct from the ballot for candidates for office. The ballot to be used for any such election in voting, under this Act, shall be substantially in the following form:

For the abolition of the public Tuberculosis Sanitarium of the City (or village, as the case may be) of..... as provided in Ordinance Number.....	Yes	
Against the abolition of the public Tuberculosis Sanitarium of the City (or village as the case may be) of, as provided in Ordinance Number.....	No	

(Added by amendment by Act approved June 28, in force July 1, 1915. L. 1915, p. 314.)

131. *Abolishment of Sanitarium, Funds, Transfer.*

SEC. 15. Whenever such ordinance shall have been ratified, and make (made) effective, operative and valid by vote, as provided in the last preceding section, the city council or board of trustees of such city or village, may after having discharged all financial obligations of such Tuberculosis Sanitarium by appropriate ordinance, transfer any moneys then in the "Tuberculosis Sanitarium Fund" from such fund into any other lawful appropriation or appropriations of such city or village. (Added by amendment by Act approved June 28, in force July 1, 1915. L. 1915, p. 314.)

AN ACT to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals. Approved June 14, in force July 1, 1909. Laws, 1909, p. 8.

132. *Contagious Diseases among Domestic Animals, Communicable Diseases, Investigation, Quarantine, Appraisal, Slaughter.*

¹³ SEC. 2. It shall be the duty of said Board of Live Stock Commissioners to cause to be investigated any and all cases, or alleged cases, coming to their

¹³ The following provisions were taken from the "General Information and Laws" Pamphlet compiled for the Department of Agriculture which is charged with the enforcement of the Act.

knowledge, of communicable diseases among domestic animals, within this State, and to use all proper means to prevent the spread of such disease, and to provide for the extirpation thereof; and in the event of reasonable ground for the belief that any such communicable disease exists in this State, it shall be the duty of the person owning or having in charge any animal or animals infected with such disease, or any other person having knowledge or reason to suspect the existence of such disease, to immediately notify said Board of Live Stock Commissioners, or some member thereof, by communication to said board or member, of the existence of such disease, and thereupon it shall be the duty of said board, or some member thereof, or authorized agent of the board, immediately to cause proper examination thereof to be made, and if such disease shall be found to be a dangerously contagious or dangerously infectious malady, said board, or any member thereof, or the State veterinarian, or any assistant State veterinarian, shall order such diseased animals, and such as have been exposed to contagion, and the premises in or on which they are, or which may have been recently occupied by them, to be *strictly quarantined*; and they shall have power to order any premises and farms where the disease exists, or has recently existed, as well as exposed premises and farms, to be put in *quarantine* so that no domestic animal which has been or is so diseased, or has been exposed to such communicable disease, be removed from the premises so quarantined, nor allow any animal susceptible to such disease to be brought therein or thereon, except under such rules and regulations as said Board of Live Stock Commissioners may prescribe, which quarantine, and every quarantine established under the provisions of this Act, shall remain in force and effect until removed by order of said board; and said board shall prescribe such *regulations* as they may deem necessary to prevent any such disease from being communicated from any such diseased animal or exposed animal or from the infected premises or through any other means of communication. In all such cases the said Board of Live Stock Commissioners, or in case the number of animals shall not exceed five, any member thereof, shall have power to *order the slaughter* of any or all such diseased or exposed animals. The said board shall also have power to *cause* to be destroyed all barns, stables, premises, fixtures, furniture and personal property infected with any such communicable disease, so far as in their judgment may be necessary to prevent the spread of such disease and where the same cannot be properly disinfected; and to *order the disinfection* of all cars, boats or other vehicles used in transporting animals affected with any such communicable disease, or that have been exposed to the contagion thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such diseased or exposed animals.

When the said board, upon the written report of the State veterinarian, or any of his assistants, determines that any animal is affected with, or has been exposed to any dangerously contagious or infectious disease, the board, or any member thereof, or any of its duly authorized agents, may *agree with the owner* upon the value of such animal or of any property that it may be found necessary to destroy, and in case such an agreement cannot be made, said animals or property shall be appraised by three competent and disinterested appraisers, one to be selected by the State Board of Live Stock Commissioners, one by the claimant and one by the two appraisers thus selected. Such appraisers shall subscribe to an oath in writing to fairly value such animals or property in accordance with the requirements of this Act, which oath, together with the valuation fixed by such appraisers, shall be filed with the board and be preserved by them. Upon such appraisement being made, it shall become the duty of the owner to immediately destroy such animals and to dispose of the carcasses thereof, and to disinfect the premises occupied by such animals, in accordance with the rules prescribed by said board governing such destruction and disinfection. And upon his failure so to do, said board, or any member thereof, shall cause such animal or animals or property to be destroyed and disposed of, and thereupon such owner shall forfeit all right to receive any compensation for the destruction of such animal or animals or property.

When the said board, upon the written report of the State veterinarian, of any assistant State veterinarian, determines that any barns, stables, outbuildings or premises are so infected that the same cannot be disinfected, they may quarantine such barns, stables, outbuildings or premises from use for the animals that might be infected by such use, and such quarantine shall continue in force and effect until removed by the board, and a violation of such quarantine shall be punished in the same manner as is provided for violations of other quarantine by this Act.

Any person feeling himself aggrieved by any quarantine established under the provisions of this Act may appeal to the full Board of Live Stock Commissioners, who shall thereupon sustain, modify or annul such quarantine, as they may deem proper.

Whenever quarantine is established in accordance with the provisions of this Act, valid notice of the same may be given by leaving with the owner or occupant of any premises so quarantined, in person, or by delivering to any member of his family, or any employee, over the age of ten years found upon the premises so quarantined, notice thereof, written or printed, or partly written and partly printed, and at the same time explaining the contents thereof. Such quarantine shall be sufficiently proven in any court by the production of a true copy of such notice of quarantine with a return thereon of the service of the same in the manner above required, attested by the seal of the Board of Live Stock Commissioners, with the signature of the proper officer thereof. (As amended by Act approved June 29, 1915, in force July 1, 1915. L. 1915, p. 3.)

133. *Affected Districts, Report, Proclamation, Quarantine, Penalty.*

SEC. 3. Whenever said Board of Live Stock Commissioners shall become satisfied that any communicable disease exists among domestic animals in any municipality or geographical district in this State, and in their judgment it is necessary to quarantine such municipality or geographical district in order to prevent the spread of such disease into contiguous territory, they shall report the same to the Governor, who may thereupon, by proclamation, schedule and quarantine such municipality or geographical district, prohibiting all domestic animals of the kind diseased within such municipality or geographical district from being moved from one premises to another or over any public highway or any unfenced lot or piece of ground, or from being brought into, or taken from, such infected municipality or geographical district, except upon obtaining a special permit, signed by the Board of Live Stock Commissioners, or member thereof, or the agent or officer of the board duly authorized by it to issue such permits; and such proclamation shall from the time of its publication bind all persons. After the publication of the aforesaid proclamation, it shall be the duty of every person who owns, or who is in charge of animals of the kind diseased within such municipality or geographical district, to report to said board within one week thereafter the number and description of such animals, location, and the name and address of the owner or person in charge, and during the continuance of such quarantine to report to said board all cases of sickness, deaths or births among such animals. It shall also be the duty of all persons within such municipality or geographical district so quarantined, receiving, having or purchasing domestic animals of the kind diseased, for slaughter, to delay the killing of such animals until a veterinary surgeon, with authority from said board, is present to make a postmortem examination of the carcass. Any violation of the aforesaid quarantine regulations and prescribed duties shall be visited with like penalties, which may be recovered in like manner, as provided in section 6 of this Act: *Provided*, that nothing contained in this section shall be so construed as to prevent the movement of any animal or animals of the kind diseased through such quarantined territory under such regulations as the Board of Live Stock Commissioners may prescribe and the Governor approve: *And, provided, further*, that no animals of the kind diseased within such municipality or geographical district, slaughtered by order of said board, shall be taken from such municipality or geographical district for slaughter.

134. Affected Districts, Proclamation, Importation, Penalty.

SEC. 4. Whenever said Board of Live Stock Commissioners shall report to the Governor that any communicable disease exists in any other state, territory, district, province or country, or in any portion thereof, or in any locality therein, or that the condition of any domestic animals coming therefrom into this State is such as would render them liable to convey any such disease, he may, by proclamation, schedule such state, territory, district, province or country, or any portion thereof, or any locality therein, and prohibit the importation or bringing therefrom into this State of any live stock of the kind diseased, or of any live stock that has been exposed to such disease, or whose condition would render them liable to convey such disease to other animals, or of any carcasses or portions of carcasses, or of any hay, straw, fodder or other material capable of conveying infection, except under such regulations as may be prescribed by said board and approved by the Governor. Any person, firm, joint stock company or corporation that shall knowingly transport, receive or convey such prohibited stock from the scheduled district into the State of Illinois in violation of any such regulation, or which shall so transport any carcasses, or portions of carcasses, or any hay, straw, fodder or other material capable of conveying infection, which may be prohibited by any rule or regulation of the Board of Live Stock Commissioners, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$1,000 nor more than \$10,000 for each and every offense, and shall be liable for any and all damages or loss that may be sustained by any person or persons or corporation by reason of such importation or transportation of such prohibited stock, or prohibited materials above mentioned. Such penalty shall be recovered in any county in this State into or through which such stock or material is brought, in any court of competent jurisdiction.

135. Removal of Diseased Animals.

SEC. 5. Nothing contained in this Act, or any section thereof, shall be interpreted so as to prevent the movement or shipment of diseased or exposed animals under the orders of the board created by this Act, from one place to another by said board or its agents, by driving along the public highway or shipment on cars or steamboats, when, in the opinion of said board, such removal is necessary for the suppression of any communicable disease.

136. Concealment of Disease in Animals, Penalty.

SEC. 6. Any person who, knowing that any communicable disease exists among his domestic animals, shall conceal such fact, or knowing of the existence of such disease, shall sell any animal or animals so diseased, or any exposed animal, or knowing the same, shall remove any such diseased or exposed animal from his premises to the premises of another, or knowing of the existence of such disease, or exposure thereto, shall drive or lead, or ship any animal so diseased or exposed, by any car or steamboat, to any place in or out of this State; and any person or persons who shall bring any such diseased, or knowingly, shall bring any such exposed animal or animals into this State from another state; and any person or persons who shall knowingly buy, receive, sell or convey, or engage in the traffic of such diseased or exposed stock, and any person who shall violate any quarantine regulation established under the provisions of this Act, shall, for each, either, any or all Acts above mentioned in this section, be guilty of a misdemeanor, and, on conviction thereof, or of any one of said Acts, shall be fined in any sum not less than \$25 nor more than \$200, and be imprisoned in the county jail until the fine and costs are paid, and shall forfeit all right to any compensation for any animal or property destroyed under the provisions of this Act.

Any veterinary practitioner having information of the existence of any communicable disease among domestic animals in this State, who shall fail to promptly report such knowledge to said Board of Live Stock Commissioners, shall be fined not exceeding \$500, or be imprisoned in the county jail not more than one year for each offense.

137. Importation of Bulls, Etc., Certificate of Health.

SEC. 13. All bulls, cows or heifers exceeding the age of nine months brought into the State of Illinois by any person, persons, firm, company or corporation, or by any railroad or other transportation company, (unless said bulls, cows, or heifers are consigned to and delivered by the transportation company within the confines of the Union Stock Yards, Chicago; the National Stock Yards, East St. Louis, or the Union Stock Yards, Peoria), or any other like public stock yard, shall be accompanied by a certificate of health, including the tuberculin test, administered in accordance with the regulations of the United States Bureau of Animal Industry within thirty days previous to said cattle being brought into the State of Illinois. (This and the following 7 sections added by Act approved June 29, 1915, in force July 1, 1915. L. 1915, p. 6.)

138. Importation of Bulls, Exchange of Cattle.

SEC. 13a. The foregoing provisions, however, shall not apply to the importation of bulls, cows or heifers from herds which are officially registered by the live stock sanitary authorities of the State of origin as being free from tuberculosis and other contagious and infectious diseases. Reciprocal exchange of cattle from "State Accredited Herds" shall be permitted under regulations prescribed by the State Board of Live Stock Commissioners.

139. Importation of Bulls, Certificates of Health, Requirements.

SEC. 13b. All certificates of health shall be issued in duplicate form by veterinarians in good standing and shall be approved by the State veterinarian or official in charge of live stock sanitary control in the State in which the shipment has its origin, or by an inspector of the United States Bureau of Animal Industry. Before accepting consignments of bulls, cows or heifers for importation into the State of Illinois, transportation companies shall require that the original of said certificate of health be delivered to them to be attached to the way bill and accompanying the shipment to its destination. When such bulls, cows or heifers are driven into the State of Illinois said certificate of health must be carried by the person in charge of said cattle. A duplicate of each certificate of health under which bulls, cows or heifers are brought into the State of Illinois, for breeding or dairy purposes as in this Act required, shall be mailed to the State veterinarian, Springfield, Ill., on or before the date of bringing such cattle into the State. Furthermore, the agent of any transportation company delivering cattle covered by a certificate of health within the State of Illinois shall immediately detach from said way bill said certificate of health and immediately forward same to the State veterinarian, Springfield, Ill.; and such transportation company may, with each shipment, require an extra duplicate to be filed with such transportation company for record.

140. Transportation of Cattle, Permits.

SEC. 13c. Bulls, cows or heifers for feeding or grazing only, may be shipped or driven into the State of Illinois, or removed from public stock yards within the State upon a permit issued by the State Board of Live Stock Commissioners, provided that all such cattle shall be placed in quarantine upon the premises of the owner until released therefrom, or until they have passed a negative tuberculin test, administered in accordance with the regulations of the United States Bureau of Animal Industry at the expense of the owner. No shipment of bulls, cows or heifers exceeding the age of nine months, unless consigned to and delivered by the transportation company within the confines of the Union Stock Yards, Chicago, the National Stock Yards, East St. Louis, or the Union Stock Yards, Peoria, or any other like public stock yards, shall be accepted for shipment or delivery into the State of Illinois by any person or persons, firm, corporation, or transportation company, (unless said cattle are covered by a permit duly executed by the owner or his agent, consigning said cattle in quarantine for feeding or grazing only). Transportation companies before accepting such

shipment shall require all permits to be executed in duplicate form by the owner or his agent. One copy shall be attached to the way bill and the agent of the transportation company accepting such shipments shall immediately forward copy of said permit to the State veterinarian, Springfield, Illinois.

141. *Tuberculin Test, Expense, Lien.*

SEC. 14. Any bulls, cows or heifers imported into the State of Illinois in violation of the foregoing provisions of this act shall be placed in quarantine by the State Board of Live Stock Commissioners, and so held until they have been subjected to and successfully pass a negative tuberculin test administered under the direction of the State Board of Live Stock Commissioners at the expense of the owner, shipper or consignee, which expense shall constitute a lien upon said cattle until said expense has been paid. Any such cattle as may react to said tuberculin test shall be slaughtered under the direction of the State Board of Live Stock Commissioners and the owner shall receive only the proceeds resulting from said slaughter after deducting necessary expenses in connection therewith.

142. *Tuberculin Tested Cattle, Sale.*

SEC. 15. It shall be unlawful to sell, offer for sale, or to purchase any bulls, cows or heifers known to have reacted to the tuberculin test, except under regulations prescribed by the State Board of Live Stock Commissioners, to wit: Bulls, cows and heifers which have reacted to the tuberculin test, provided they show no physical evidence of disease, may be sold and delivered within the State, provided the purchaser shall first secure a permit from the State Board of Live Stock Commissioners, wherein it is agreed that such reacting cattle shall be kept separate and apart from all non-reacting cattle, and shall be maintained under strict quarantine until released therefrom for sale or slaughter under State or Federal inspection by permit issued by the State Board of Live Stock Commissioners.

SEC. 16. (Repealed.)

143. *Tuberculin Test, Consent.*

SEC. 17. No bulls, cows or heifers, now forming a part of the domestic herds of this State or hereafter born and raised in this State, shall be subjected to the tuberculin test by the State veterinarian or his assistants, without the consent of the owner thereof.

144. *Penalty.*

SEC. 18. Any railroad company, stock yards company, corporation, person or persons violating any provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars (\$1,000).

AN ACT to prohibit the establishing and enforcing of the tuberculin test for dairy animals by any city, village, incorporated town, county or other corporate authority in the State of Illinois. Filed June 12, 1911, in force July 1, 1911. L. 1911, p. 6.

145. *Dairy Animals, Tuberculin Test Unlawful.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That it shall be unlawful for any city, village, incorporated town, county or other corporate authority in the State of Illinois by ordinance, rule or regulation other than may be established by the law of this State, to demand, fix, establish or require the tuberculin test to be applied to dairy animals as a means or measure of regulating and purifying milk, skimmed milk, cream and dairy products of said animals in any manner whatever, and every such ordinance, rule, by-law or regulation heretofore or hereafter passed, demanded, fixed, established or required by any such city, village, incorporated, town, county or other corporate authority other than the State of Illinois, is hereby declared to be void and of no effect.

AN ACT to promote the public health by protecting certain employees in this State from the dangers of occupational diseases, and providing for the enforcement thereof. Approved May 26, in force July 1, 1911. L. 1911, p. 330.

146. *Occupational Diseases, Preventive Devices, Adoption.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every employer of labor in this State, engaged in carrying on any work or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employees to the danger of illness or disease incident to such work or process, to which employees are not ordinarily exposed in other lines of employment, shall, for the protection of all employees engaged in such work or process, adopt and provide reasonable and approved devices, means or methods for the prevention of such industrial or occupational diseases as are incident to such work or process.

147. *Occupations Declared Dangerous to Health; Clothing, Respirators.*

SEC. 2. Every employer in this State engaged in the carrying on of any process of manufacture or labor in which sugar of lead, white lead, lead chromate, litharge, red lead, arsenate of lead, or Paris green are employed, used or handled, or the manufacture of brass or the smelting of lead or zinc which processes and employments are hereby declared to be especially dangerous to the health of the employees engaged in any process of manufacture or labor in which poisonous chemicals, minerals or other substances are used or handled by the employees therein in harmful quantities or under harmful conditions, shall provide for and place at the disposal of the employees engaged in any such process or manufacture and shall maintain in good condition and without cost to the employees, proper working clothing to be kept and used exclusively for such employees while at work, and all employees therein shall be required at all times while they are at work to use and wear such clothing; and in all processes of manufacture or labor referred to in this section which are unnecessarily productive of noxious or poisonous dusts, adequate and approved respirators shall be furnished and maintained by the employer in good condition and without cost to the employees, and such employees shall use such respirators at all times while engaged in any work necessarily productive of noxious or poisonous dusts.

148. *Monthly Physical Examinations.*

SEC. 3. Every employer engaged in carrying on any process or manufacture referred to in Section 2 of this Act, shall, as often as once every calendar month, cause all employees who come into direct contact with the poisonous agencies or injurious processes referred to in Section 2 of this Act, to be examined by a competent licensed physician for the purpose of ascertaining if there exists in any employee any industrial or occupational disease or illness or any disease or illness due or incident to the character of the work in which the employee is engaged.

149. *Physical Examinations, Reports.*

SEC. 4. It is hereby made the duty of any licensed physician who shall make the physical examination of employees under the provisions of Section 3 of this Act, to make an immediate report thereof to the State Board of Health of the State of Illinois upon blanks to be furnished by said board upon request, and if no such disease or illness is found, the physician shall so report, and if any such disease is found, the report shall state the name, address, sex and age of such employee and the name of such employer, and the nature of the disease or illness with which the employee is afflicted, and the probable extent and duration thereof, and the last place of employment: *Provided*, that the failure of any such physician to receive the blanks of the State Board of Health for the making of such report, shall not excuse such physician from making the report as herein provided.

150. *State Board of Health, Secretary's Duty.*

SEC. 5. The Secretary¹⁴ of the State Board of Health shall, immediately upon receipt of any report from any physician in accordance with the pro-

¹⁴ This duty is now devolved upon the Department of Public Health.

visions of Section 4 of this Act, transmit a copy thereof to the Illinois Department of Factory Inspection.

151. Dressing Rooms and Wash Basins, Furnishing.

SEC. 6. Every employer engaged in carrying on any process or manufacture referred to in Section 2 of this Act, shall provide, separate and apart from the workshop in which such employees are engaged, a dressing room and lavatory for the use of such employees who are exposed to poisonous or injurious dusts, fumes and gases, and such lavatory shall be kept and maintained in a clean and wholesome manner and provided with a sufficient number of basins or spigots with adequate washing facilities, including hot and cold water, clean towels and soap and shower bath, and the dressing rooms shall be furnished with clothes presses or compartments, so that the ordinary street clothes of such employees shall be kept separate and apart from their working clothes.

152. Food and Drink Regulations.

SEC. 7. No employee shall take or be allowed to take any food or drink of any kind into any room or apartment in which any process or manufacture referred to in Section 2 of this Act is carried on, or in which poisonous substances or injurious or noxious fumes, dusts or gases are present as the result of such work or process being carried on in such room or apartment, and the employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer for enabling the employees to take their meals elsewhere in such place of employment, and a sufficient number of sanitary closed receptacles containing wholesome drinking water shall be provided and maintained for the use of the employees within reasonable access and without cost to them.

153. Fumes and Dust Preventive Devices, Providing.

SEC. 8. All employers engaged in carrying on any process or manufacture referred to in Section 2 of this Act, shall provide and maintain adequate devices for carrying off all poisonous or injurious fumes from any furnaces which may be employed in any such process or manufacture, and shall also provide and maintain adequate facilities for carrying off all injurious dust, and the floors in any room or apartment where such work or process is carried on shall, so far as practicable, be kept and maintained in a smooth and hard condition, and no sweeping shall be permitted during working hours except where the floors in such workshop are dampened so as to prevent the raising of dust; and all ore, slag, dross and fume shall be kept in some room or apartment separate from the working rooms occupied by the employees, and where practicable, all mixing and weighing of such ore, slag, dross or fume shall be done in such separate room or apartment, and all such material shall, so far as practicable, be dampened before being handled or transported by employees.

154. Flues, Floors, Fixtures and Tools, Cleaning.

SEC. 9. When any flues are used in any such process or manufacture referred to in Section 2 of this Act, and such flues are being cleaned out or emptied, the employer shall in every case provide and maintain a sufficient and adequate means or device, such as canvas bags or other practical device, or by dampening the dust, or some other sufficient method for catching and collecting the dust and preventing it from unreasonably fouling or polluting the air in which the employees are obliged to work, and wherever practicable, the dust occasioned in any process or manufacture referred to in Section 2 of this Act, and any polishing or finishing therein, shall be dampened or wet down, and every reasonable precaution shall be adopted by the employer to prevent the unnecessary creation or raising of dust, and all floors shall be washed or scrubbed at least once every working day; and such parts of the work or process as are especially dangerous to the employee on account of poisonous fumes, dusts and gases, shall, where practicable, be carried on in

separate rooms and under cover of some suitable and sufficient device to remove the danger to the health of such employee, as far as may be reasonably consistent with the manufacturing process, and the fixtures and tools employed in any such process of manufacture, shall be thoroughly washed and cleaned at reasonable intervals.

155. Hoppers or Chutes, Conveyors or Receptacles, Protecting.

SEC. 10. All hoppers or chutes or similar devices used in the course of any process or manufacture referred to in Section 2 of this Act shall, where practicable, be provided with a hood or covering, and an adequate and sufficient apparatus or other proper device for the purpose of drawing away from the employees noxious, poisonous or injurious dusts, and preventing the employees from coming into unnecessary contact therewith; and all conveyances or receptacles used for the transportation about or the storage in any place where any such process or manufacture referred to in Section 2 of this Act is carried on, shall be properly covered or dampened in such way as to protect the health of the employees, and no refuse of a dangerous character incident to the work or process carried on in any such place shall be allowed to unnecessarily accumulate on the floors thereof.

156. State Factory Inspector, General Duties.

SEC. 11. It shall be the duty of the State Department of Factory Inspection to enforce the provisions of this Act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose such department and its inspectors are empowered to visit and inspect at all reasonable times all places of employment covered by the provisions of this Act. In the enforcement of the provisions hereof the Department of Factory Inspection shall give proper notice in regard to any violation of this Act to any employer of labor violating it, and directing the installment of any approved device, means or method reasonably necessary, in his judgment, to protect the health of the employees therein, and such notice shall be written or printed and shall be signed officially by the Chief State Factory Inspector or the Assistant Chief State Factory Inspector, and said notice may be served by delivering the same to the person upon whom service is to be had, or by leaving at his usual place of abode or business an exact copy thereof, or by sending a copy thereof to such person by registered mail, and upon receipt of such notice calling the attention of the employer to such violation, he shall immediately comply with all the provisions of this Act.

157. Dangerous Conditions, Notice, Installation of Appliances.

SEC. 12. If any occupational or industrial disease or illness or any disease or illness peculiar to the work or process carried on shall be found in any place of employment in this State by the inspectors of the State Department of Factory Inspection, or called to their attention by the State Board of Health, which disease or illness shall be caused in whole or in part, in the opinion of the inspector, by a disregard by the employer of the provisions of this Act, or a failure on the part of the employer to adopt reasonable appliances, devices, means or methods which are known to be reasonably adequate and sufficient to prevent the contraction or continuation of any such disease or illness, it shall be the duty of the Department of Factory Inspection to immediately notify the employer in such place of employment, in the manner provided in Section 12 of this Act, to install adequate and approved appliances, devices, means or methods to prevent the contracting and continuance of any such disease or illness and to comply with all the provisions of this Act.

158. Notice of Dangers, Posting, Factory Inspectors' Duty.

SEC. 13. For the purpose of disseminating a general knowledge of the provisions of this Act and of the dangers to the health of employees in any work or process covered by the provisions of this Act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employees arising from such work or process, and

simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the Chief State Factory Inspector shall, upon request, have prepared a notice covering the salient features of this act, and furnish a reasonable number of copies thereof to employers in this State, covered by the provisions of this Act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible, and in addition to English they shall be printed in such other language or languages as may be necessary to make them intelligible to the employees.

159. *Violations, Penalty.*

SEC. 14. Any person, firm or corporation who shall, personally or through any agent, violate any of the provisions of this Act, or who omits or fails to comply with any of its requirements, or who obstructs or interferes with any examination or investigation being made by the State Department of Factory Inspection in accordance with the provisions of this Act, or any employee who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished for the first offense by a fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00), and upon conviction of the second or subsequent offenses, shall be fined not less than Fifty Dollars (\$50.00) or more than Two Hundred Dollars (\$200.00), and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

160. *Right of Action, Limitation, Damages.*

SEC. 15. For any injury to the health of any employee proximately caused by any wilful violation of this Act or wilful failure to comply with any of its provisions, a right of action shall accrue to the party whose health has been so injured, for any direct damages sustained thereby; and in case of the loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such loss of life, not to exceed the sum of Ten Thousand Dollars: *Provided*, that every such action for damages in case of death shall be commenced within one year after the death of such employee.

161. *Invalidity Clause.*

SEC. 16. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

CHILDREN AND SCHOOLS.

AN ACT to prevent and punish wrongs to children. Approved May 17, in force July 1, 1877. L. 1877, p. 90.

162. *Children,¹⁵ Life or Health, Endangering Unlawful.*

SEC. 4. It shall be unlawful for any person having the care or custody of any child, wilfully to cause or permit the life of such child to be endangered, or the health of such child to be injured, or wilfully cause or permit such child to be placed in such a situation that its life or health may be endangered.

163. *Penalties.*

SEC. 5. Any person convicted under the provisions of the preceding sections, shall for the first offense be fined not exceeding one hundred dollars (\$100) or imprisoned in the county jail not exceeding three months, or

¹⁵ A revision or an amendment of this law was attempted in 1895 (Laws 1895, p. 153), but neither the title of the "amendatory"

act nor the sections purporting to amend were correctly stated.

both, in the discretion of the court; and upon conviction for a second or any subsequent offense shall be fined in any sum not exceeding five hundred dollars (\$500), or imprisonment in the penitentiary for a term not exceeding two years, or both, in the discretion of the court.

AN ACT to establish and maintain a system of free schools. Approved and in force June 12, 1909. L. 1909, p. 342.

164. *School Buildings, Superintendent of Public Instruction's Duty.*

It is made the duty of the Superintendent of Public Instruction to (Sec. 3, Paragraph 13).

"Prepare with the advice of the State Board of Health, the State Architect and the State Fire Marshall, for school directors and boards of education specifications for the minimum requirements for the heating, ventilation, lighting, seating, water supply, toilets and safety against fire which will conserve the health and safety of the children attending the public schools. (Amended by act approved June 25, in force July 1, 1915. L. 1915, p. 635.)

165. *County Superintendent's Duty.*

The County Superintendent is required by sections 15, paragraphs 20, 21 and 22 respectively as follows:

"To inspect the plans and specifications for the heating, ventilation, lighting, seating, water supply, toilets and safety against fire for public school rooms and buildings submitted to him by boards of education or boards of directors, and to approve all those which comply substantially with the specifications prepared and published by the Superintendent of Public Instruction.

"To inspect all public schools under his supervision and notify in writing before the first day of April the board of school trustees or other boards exercising similar functions, whether the several schools in their jurisdiction have or have not been kept as required by law.

"To request the State Board of Health, the State Fire Marshall or the State Architect to inspect public school buildings which appear to him to be unsafe, insanitary or unfit for occupancy. It shall be the duty of these officials to inspect such buildings and to state in writing in what particular they are unsafe, insanitary or unfit for occupancy. Upon the receipt of such statement the county superintendent of schools shall condemn the building and notify in writing the board of directors or board of education, stating specifically the reasons for such condemnation. He shall also notify, in writing, the board of school trustees that the school so condemned is not kept as required by law." (Amended by act approved June 25, in force July 1, 1915. L. 1915, p. 635.)

166. *Boards of Directors or of Education, Duty.*

The board of directors or the board of education of districts of less than 100,000 inhabitants are required to (Sec. 119).

"Submit the plans and specifications respecting heating, ventilation, lighting, seating, water supply, toilets and safety against fire to the county superintendent of schools for his approval." (Amended by act approved June 25, in force July 1, 1915. L. 1915, p. 635.)

AN ACT authorizing school districts to acquire real estate by gift, donation or devise for the purpose of establishing, maintaining and operating play grounds, recreation grounds and athletic fields and to provide for the policy thereof. Approved and in force June 25, 1917. L. 1917, p. 745.

167. *Play or Recreation Grounds, Establishment, Equipment and Maintenance.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: Any school district in this State organized and existing under the general law or by special charter is hereby authorized and empowered to acquire by gift, donation or devise, real estate, and to hold the same, not to exceed ten (10) acres in school districts having less than ten thousand inhabitants, for the purpose of establishing play grounds, recreation grounds and athletic fields, and to equip the same and

to operate and maintain the same, the cost of equipping, maintaining and operating the same to be paid from the building fund levied, collected and appropriated in such school district.

168. *Real Estate, Location.*

SEC. 2. Such real estate so acquired need not be contiguous to any other school property or real estate owned by such school district.

169. *Police Control.*

SEC. 3. If such real estate so acquired by such school district shall lie partly or wholly outside the corporate limits of any city, village or incorporated town situated in such district, then such real estate so acquired shall, if the same be situated within one mile of the corporate limits of any such city, village or incorporated town in such school district, be under the police control and protection of the police force or police department of such city, village or incorporated town, and it is hereby made the duty of any such city, village or incorporated town to exercise police control and protection over such real estate and its equipment, in the same manner and to the same extent that such city, village or incorporated town would exercise police control and protection thereover if such real estate were situated within the corporate limits of such city, village or incorporated town.

SEC. 4. (Emergency.)

AN ACT to provide for physical training in the public and all the normal schools. Approved June 25, in force July 1, 1915. L. 1915, p. 634.

170. *Physical Training, Boards of Education, Etc., Duty.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That it shall be the duty of boards of education and of all boards in charge of educational institutions supported wholly or partially by the State to provide for the physical education and training of pupils of such public schools and educational institutions in all grades, and to include such physical education and training in the courses of instruction regularly taught therein.

171. *Physical Training, Provision for.*

SEC. 2. All boards of education and managing boards of such educational institutions shall make proper and suitable provisions in the schools and institutions under their jurisdiction for such physical education and training for not less than one (1) hour of each week during the whole of the school year.

172. *Normal Schools, Physical Training.*

SEC. 3. The curriculum in all normal schools of the State shall contain a regular course of physical education and training for teacher, the said course to be taught not less than one (1) hour of each week during the whole of each term of school.

DAIRY, FOOD AND ADULTERATION.

¹⁶AN ACT to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State food commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.¹⁷ Approved May 14, 1907, in force July 1, 1907. L. 1907, p. 543.

173. *Appointment of Food Commissioner and Establishment of Food Department.*

SECTION 1. That the Governor shall appoint a commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State

¹⁶The prevention of fraud and deception in the manufacture of food is a legitimate exercise of the police power of the State; and the Pure Food Law is valid in so far as it

of Illinois, and who shall hold his office for a term of four years and until his successor is appointed and qualified, and who shall receive a salary of \$3,600 per annum, and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The commissioner shall provide himself with a seal for the authentication of his orders, records or other proceedings, upon which shall be inscribed the words, STATE FOOD COMMISSION, ILLINOIS—SEAL.

The Governor shall also appoint from time to time, as required, a Food Standard Commission, for the purpose of determining and adopting standards of quality, purity or strength, for food products, for the State of Illinois, to consist of three members, one of whom shall be the State food commissioner or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois food manufacturing industries, and one of whom shall be an expert food chemist of known reputation; all to be citizens of the State of Illinois, who shall receive fifteen (\$15) dollars per day for a period not exceeding thirty (30) days in one year, and necessary expenses incurred during the time employed in the discharge of their duties. The said commission shall provide itself with a seal for the authentication of its standards, records or other proceedings, upon which shall be inscribed the words, FOOD STANDARD COMMISSION—ILLINOIS—SEAL. A certified copy of the records of Food Standard Commission, showing the standard of quality, purity and strength adopted and promulgated by it for food products shall be received in all courts as evidence that such standard was adopted. A certificate in the following form shall be sufficient:

"I,secretary (or member) of the Food Standard Commission of Illinois, and the custodian of the records thereof, do hereby certify that the attached is a true, correct and complete copy of the standard for.....adopted and promulgated by the Food Standard Commission on the.....day of.....19... and published in....."

Given under my hand and the seal of said commission this.....day of....."

The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner, who shall be a practical dairyman, whose salary shall be three thousand dollars (\$3,000.00) per annum and expenses incurred in official duties; one chief chemist, who shall be known as State analyst, whose salary shall be twenty-five hundred dollars (\$2,500.00) per annum and expenses incurred in the discharge of official duties; one attorney, whose salary shall be eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of official duties; one chief clerk, whose salary shall be eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of official duties; one assistant clerk, whose salary shall be twelve hundred dollars (\$1,200.00) per annum and expenses incurred in the discharge of official duties; three stenographers at one thousand dollars (\$1,000.00) each per

makes it impracticable to commit the fraud of selling as genuine cider, vinegar other vinegar made so in appearance that the ordinary purchaser can not distinguish between them. *People v. Henning Co.* (1913), 260 Ill. 554, 558. To the same effect see *People v. Freeman* (1909), 242 Ill. 373, 379.

The prohibition of the sale of adulterated food within this State is a valid exercise of the police power and is not repugnant to the commerce clause of the Federal constitution. *People v. Price* (1913), 257 Ill. 587, 595, aff'd in 238 U. S. 446, 454.

This set does not deprive a municipality of the power to pass an ordinance prohibiting the sale of impure, unwholesome, adulterated or injurious food or substances, if the ordinance is not in conflict with the Pure Food Act; the fact that the penalty under the ordinance is less than that provided by the State law constitutes no such conflict or repugnancy. *City of Chicago v. Union Ice Cream Manufacturing Co.* (1911), 252 Ill. 311.

¹⁷ The Department of Agriculture is entrusted with the enforcement of this Act and the Act following.

annum; twelve inspectors, whose salaries shall be as follows: For the first two years of service, twelve hundred dollars each annually; for the third year of service, fourteen hundred dollars each annually, and for each succeeding year of service an additional increase of one hundred dollars per year each until the maximum of eighteen hundred dollars a year each is attained, and expenses incurred in the discharge of their official duties. Said commissioner shall also have authority to appoint one bacteriologist at eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of his official duties, and seven analytical chemists whose salary shall be as follows: For the first two years of service, twelve hundred dollars each annually; for the third year of service, fourteen hundred dollars each annually; for the fourth year of service, fifteen hundred dollars each annually, and for each succeeding year of service an additional increase of one hundred dollars per year each, until the maximum of eighteen hundred dollars per year is attained, and expenses incurred in the discharge of their official duties, and one laboratory janitor at seven hundred and twenty (\$720.00) dollars per annum.

The said commissioner shall make annual reports to the Governor not later than the 15th of January of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed, with their expenses and disbursements, and the amount of salary paid the same, and he may from time to time issue bulletins of information when, in his judgment, the interests of the State would be promoted thereby.

The said commissioner shall maintain an office and laboratory, where the business of said department may be conducted. This section shall not affect the term of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

The food commissioner shall make analyses and examinations for the State charitable institutions of foods, drugs and such other supplies as the laboratory of the State Food Commission is equipped and prepared to examine and analyze.¹⁸ (Amended by Act becoming a law July 12 ,1915. L. 1915. p. 700.)

174. Powers of Commissioner and Inspectors.

SEC. 2. The State food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw material and finished products found therein; but nothing in this Act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors or manufacturers, or packers of proprietary or other food products, to disclose trade rights, or secret processes, or methods of manufacture. Said commissioner, inspectors and agents shall also have power and authority to open any package, can or vessel, containing or supposed to contain, any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this Act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employees of railroads, express companies or other common carriers, shall render to them all the assistance in their power, when so requested, in tracing, finding or disclosing the presence of any article prohibited by law, and in securing samples thereof as hereinafter provided for.

¹⁸ Repealed by the Civil Administrative code, except part relating to certification,

the issue of bulletins, and the making of analyses for charitable institutions.

175. Refusal to Assist Inspector.

SEC. 3. Whoever, by himself, his agent, employee, or servant, hinders, obstructs, or in any way interferes with any inspector, analyst, or officer appointed hereunder, in the performance of his duty, or in the exercise of his powers as defined in this act, or whoever being an employee of a railroad, express company, or other common carrier refuses or fails upon request to assist the State food commissioner, the assistant commissioner, the State analyst, or any inspector appointed hereunder in tracing, finding or disclosing the presence of any article of food prohibited by law and in securing samples thereof as provided for in Section 2 of this Act, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided for. (Amended by Act approved June 6, 1911, in force July 1, 1911. L. 1911, p. 519.)

176. Samples, Procedure.

SEC. 4. The person taking such sample as provided for in section 2 of this Act, shall in the case of bulk or broken package goods, divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages, he shall select two of said packages, which two said packages shall constitute the sample taken, and properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part of such sample with a paper seal or otherwise, and shall write his name thereon and number each part of said sample with the number, and also write thereon the name of the said dealer in whose place of business the sample is found, and the person from whom said sample is taken shall also write his own name thereon, and at the same time the person taking said sample shall give notice to such person from whom said sample is taken, that said sample was obtained for the purpose of examination by the State food commissioner. One part of said sample shall be taken by the person so procuring the same to the State analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken, and the person taking such sample shall tender to the person from whom it is taken the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor, either by operation of law or under contract for any failure on the part of said sample to comply with the provisions of this Act, then said person from whom said sample is taken shall retain for the period of six months that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires: *Provided*, that the person procuring said sample may securely pack and box that part thereof retained by him and send the same to the State analyst or other competent person appointed hereunder, and the testimony of the person procuring said sample that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon, and that he packed and boxed said part thereof and sent the same to the State analyst or other competent person appointed hereunder, and the testimony of the person analyzing said sample that he received the same in apparent good order, that said sample was sealed, and that the number thereof and the name of the sender, as herein provided for, was on said sample, and that the seal at the time same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof. (Amended by act as above.)

177. Adulterated or Misbranded Food.

SEC. 5. It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated

and misbranded within the meaning of this Act. It shall be unlawful for any person to use filthy, decomposed, putrid, rotten, deleterious or poisonous substances as a constituent part of manufactured food, or in the manufacture of any food. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished according to the provisions of this Act: *Provided*, that no article of food shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operations of any of the other provisions of this Act. (This and following section amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

178. Evidence.

SEC. 6. The having in possession or control of any food which violates any of the provisions of this Act with intent to sell the same or to use the same in violation of this Act is hereby prohibited; and whoever shall have in his possession or control with intent to sell or offer for sale any food which violates any of the provisions of this Act or with intent to use any such food in violation of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided. The possession or control or any food which violates any of the provisions of this Act shall [be] held to be *prima facie* evidence that such possession or control is or was with intent to sell or use such food in violation of this Act. Whoever shall have possession or control with intent to sell of any food which violates any of the provisions of this Act shall be held to have known the true character, quality and name of such food.

179. Food Defined.

SEC. 7. The term "food" as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

180. Adulteration Defined.

SEC. 8. That for the purpose of this act, an article shall be deemed to be adulterated—

In case of confectionery:

First—If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers or poisonous substances, or poisonous color or flavor.

Second—If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound, or narcotic drug.

In case of food:

First—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second—If any substance has been substituted wholly or in part for the article.

Third—If any valuable constituent of the article has been wholly or in part abstracted or left out: *Provided*, that in the manufacture of skim or separated cheese the whole or part of the butter fats in the milk may be abstracted.

Fourth—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

Fifth—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by an external application, applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or

otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption; and formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

Sixth—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.¹⁹ (Amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

181. Misbranded Defined.

SEC. 9. The term "misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or labels of which bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular; and to any such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the state, territory or country in which it is manufactured or produced. That for the purpose of this Act an article shall also be deemed to be misbranded—

In case of food:

First—If it be an imitation of or offered for sale under the distinctive name of another article, or if it does not conform to the standards set forth in this act.

Second—If it be so labeled or branded as to make the identity of the manufacturer, packer or dealer who sells or offers the same for sale uncertain or doubtful; or which is so labeled or branded as to indicate on the receptacle, vessel or container the name of any firm or corporation other than the firm or corporation actually manufacturing, packing or dealing in the article or product so sold or offered for sale; or if it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of a package as originally put up shall have been removed in whole or in part and refilled by contents of a different quality or of a different manufacturer, packer or dealer, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, canabis indica, chloral hydrate, or acetanilid or any derivative or preparation of any such substances contained therein.

¹⁹ Sections 8 and 9 of the Pure Food Law are general in their nature and govern all food products, except those regarding which the legislature has made special regulations by other provisions in said law. *People v. Henning Co.* (1913), 260 Ill. 554, 560.

The word "adulterated" used in the title of the Pure Food Law includes the "adulteration" of an article manufactured contrary to the provisions of the act, although the article is not in itself harmful. *People v. Henning Co.* (1913), 260 Ill. 554, 564.

It is not alone the particular method of adulteration that existed at the time of the passage of the act, but any method of adulteration which is liable to mislead the public is prohibited by the statute. *People v. Henning Co.* (1913) 260 Ill. 554, 558.

Boric acid is by section 8 of the Pure Food Law declared unwholesome and injurious to health and can not be used as an added ingredient to foods, and under section 22 of said act it also must not be made a part of any compound to be sold as a food preservative. *People v. Price* (1913), 257 Ill. 587, 593, aff'd in 238 U. S. 446, 451.

The legislative declaration that boric acid is unwholesome and injurious to health, although the injurious nature of boric acid is not universally conceded, is binding upon the courts. *People v. Price* (1913), 257 Ill. 587, 594; aff'd in 238 U. S. 446, 452.

The mixing or combining of sugar vinegar and distilled vinegar in substantial proportions which results in a color similar to that of cider vinegar constitutes an adulteration within the meaning of section 11 of the Pure Food Law, notwithstanding the proper labeling of the mixture. *People v. Henning Co.* (1913), 260 Ill. 554, 558, 561.

The phrase "shall not be colored in imitation of cider vinegar" means a conscious imitation, in the manufacture, of the article forbidden. *People v. Henning Co.* (1913), 260 Ill. 554, 560.

The sale of unwholesome preservatives are within the legitimate scope of the title of this Act. *People v. Price* (1913), 257 Ill. 587, 595.

The proper labeling of an adulterated article does not take that article out of the operation of the Pure Food Law. *People v. Henning Co.* (1913), 260 Ill. 554, 558.

Third—If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, that reasonable variation shall be permitted and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of sections 38 of this Act.

Fourth—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article and with either the name of the manufacturer and place of manufacture, or the name and address of the packer or dealer who sells the same, or if its label does not conform to the regulations set forth in this Act.

Fifth—If the package containing it or its label shall bear any statement, design or device regarding the ingredients of the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

First—In case of mixture or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

Second—In case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term "blend" as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and as applied to alcoholic beverages, only those distilled spirits shall be regarded as "like substances" which are distilled from the fermented mash of grain and are of the same alcoholic strength: *And, provided, further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Third—In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum percentage of corn syrup (glucose), or corn sugar (dextrose), or corn sugar syrup, in such article of food be plainly stated on the label.²⁰ (Amended by act approved June 26, 1917, in force July 1, 1917. L. 1917, p. 774.)

182. *Condemnation and Confiscation of Illegal Foods.*

SEC. 10. Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this Act, or that is made, labeled or branded contrary to the provisions of this Act, or that does not conform to the definition or analytical requirements provided in this Act, shall be liable to be proceeded against in any court of record or before any judge thereof, or before any justice of the peace within whose jurisdiction the same may be found, and seized for condemnation and confiscation; and authority and jurisdiction are hereby vested in the several courts of record, the judges thereof in vacation, and the several justices of the peace, to issue the warrant and to hear and determine the proceedings herein provided for. Such proceedings shall be by complaint, verified by affidavit, and in the name of the People of the State of Illinois against the article or articles proceeded against, particularly describing the same, the place where they are located, the name of the person, firm or corporation in whose possession they are found, and wherein they violate the provisions of this Act. There-

²⁰ This section, as now amended, removes all doubt arising from an act approved June 25, 1915, and another act which became a law July 12, 1915, amending the same section.

upon said court, judge or justice of the peace shall issue a warrant directed to the sheriff, bailiff or any constable of the county, commanding such officer to seize, and take into his possession the article or articles described in the complaint, and bring the same before the court, judge or justice of the peace who issued the warrant, and to summon the person, firm or corporation named in the warrant, and any other person who may be found in possession of the said articles to appear at the time and place therein specified, which service shall be made in the same manner as service of process in civil cases in such court or before such justice of the peace. The warrant shall be returnable not less than five (5) days nor more than fifteen (15) days from the date of issuing the same, and may be executed and served at any time before the return day thereof; and the hearing shall be at the time and place therein specified unless good cause is shown for a continuance. Upon the hearing the complaint may be amended, and any person, firm or corporation that appears and claims the said article or articles shall be required to file its claim in writing. The hearing shall be summary in its nature, and except as herein otherwise provided, shall conform, as near as may be, to the proceedings in civil cases before such court, judge, or justice of the peace: *Provided*, that either party may demand a trial by jury, and an appeal or writ of error shall lie at the instance of either party to the proper court and no bond shall be required of the people. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, or as made, labeled, or branded contrary to the provisions of this Act, or as not conforming to the definition or analytical requirements provided in this Act, the same shall be confiscated and disposed of by destruction or sale, as the court, judge or justice of the peace may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois, but such article shall in no instance be sold contrary to the provisions of this Act: *Provided, however*, if the food seized consists of a number of separate and distinct articles assembled together in containers, or in lots, or otherwise, and it shall appear to the court that certain of said articles violate the provisions of this Act and certain other of said articles do not violate the provisions of this Act, then in such cases, if the articles can be conveniently separated the court may order that such articles be separated and the costs of such separation shall be taxed as other costs of suit. The court may order such articles as are not in violation of this Act be released to the claimant or owner thereof, and in cases where the claimant or owner does not appear or refuses to accept such articles the court shall order such articles sold, and the proceeds thereof, after the payment of all costs and charges shall be held subject to the order of the court, and if the claimant or owner thereof do not appear and demand the same within thirty days after said order, the court may at any time thereafter order the proceeds of said sale forfeited and confiscated and paid into the treasury of the State of Illinois, but that part of the articles which violated the provisions of this Act shall be disposed of or destroyed as herein directed: *Provided, further*, that upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the State food commissioner for the use of the people of the State of Illinois, to the effect that such articles shall not be used, sold or otherwise disposed of contrary to the provisions of this Act and under such other conditions or supervision as may appear necessary, the court may, by order, direct that such articles be delivered to the owner thereof. (Amended by Act becoming a law July 12, 1915. L. 1915, p. 700.)

183. *Vinegar, Branding.*

SEC. 11. All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly

from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent by weight, of absolute acetic acid. Any vinegar made or manufactured contrary to the provisions of this section shall be deemed to be adulterated within the meaning of this Act. Any vinegar which is not branded as herein provided shall be deemed to be misbranded within the meaning of this Act. (This and the following section amended by Act approved June 6, 1911, in force July 1, 1911. L. 1911, p. 519.)

184. Extracts, Labeling.

SEC. 12. Extracts made of more than one principle shall be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant; and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of the article: *Provided, further*, that prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture." Any such extract not labeled as herein provided for shall [be] deemed to be misbranded within the meaning of this Act.

185. Baking Powder, Labeling.

SEC. 13. No person by himself, his servant or his agent, or as the servant of any other person, shall, first, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; second, or sell, exchange, deliver or offer for sale or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten per cent available carbon dioxide and unless the common names of all the ingredients be printed on the label.

186. Adulterated, Spirituous, Malt or Vinous Liquor.

SEC. 14. No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to wit: Cocculus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients; and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

187. Mutilating Label.

SEC. 15. Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act with intent to mislead, deceive or to violate any of the provisions of this Act, shall be held liable to the penalties of this Act.

188. Unclean or Unwholesome Milk.

SEC. 16. No person, firm or corporation, shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful, unwholesome or adulterated milk or cream or any milk or

cream which has not been well cooled or to which water or any other foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided*, that nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products, nor the sale of skim milk under the provisions of section 19 of this Act.

189. Milk Cans, Washing.

SEC. 17. Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream, or ice cream, in cans, bottles or vessels which have been transported over any railroad or boat line, where such can, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream, or ice cream, contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired. (Amended by Act becoming a law July 12, 1915. L. 1915, p. 700.)

190. Impure or Unclean Milk or Cream.

SEC. 18. No person, firm, or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

191. Skim Milk, Cans, Labeling.

SEC. 19. No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or package containing said milk, a tag with the words "skim milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide: Said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

192. Measuring Milk and Cream Standard.

SEC. 20. The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters, at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream nine or eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of three or six cubic centimeters, respectively, at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this Act. (Amended by Act approved June 6, 1911, in force July 1, 1911. L. 1911, p. 519.)

193. Testing Apparatus, License.

SEC. 20a. No person shall operate a milk or cream testing apparatus to determine the percentage of butter fat in milk or cream for the purpose of purchasing the same either for himself or for another without first securing a license from the dairy and food commissioner²¹ of this State, authorizing such person to so operate such tester. Any person desiring to secure such

²¹ This Act specifies "Dairy and Food Commissioners" in one place and in another "Dairy and Food Commissioner." It was no doubt intended for State Food Commis-

sioner in both instances. The amendment was made in 1911 by adding Sec. 20a to the Pure Food Law. There was no such officer as is named in the section mentioned.

license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before being issued such license, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same.

Such license shall be issued for a period of two (2) years from and after the date of its issuance and a fee of one dollar (\$1.00) shall be paid for such license by the licensee upon the issuance thereof. The dairy and food commissioner for just cause shall have authority to revoke any license issued under the provisions of this Act.

The fees collected under the provisions of this section shall be paid into the State treasury monthly by the dairy and food commissioner. (Added by amendment by Act as above.)

194. *Analyses, Report, Babcock Test.*

SEC. 21. (This was no doubt intended for paragraph 21, although, technically, no amendment can be made by such a reference; there being no section 21.) A buyer of milk or cream buying of the producer on a butter-fat basis, shall, in the presence of the producer or his agent, after having been petitioned in writing by one or more of its patrons so to do, take a fair sample of the producer's milk, of not less than two (2) ounces, and immediately deliver the same to the producer or his agent in a sealed receptacle to be furnished by the Department of Agriculture suitable for mailing or expressing. The receptacle shall be plainly marked with the producer's factory number and the name of the producer, and may be mailed or expressed by the producer or his agent to the Department of Agriculture for test.

The Department of Agriculture shall receive and make prompt analysis of all such samples of milk or cream, wash and sterilize the containers, and return to the plant or person from whom received, the producer to pay the transportation charges.

The Department of Agriculture shall, not later than the fifth day of each month, mail to the buyer a tabulated sheet, showing the result of each individual producer's test, for the preceding month, the average of which shall be the basis of settlement between the buyer and individual producer.

The Department of Agriculture shall, not later than the eighth day of each month, mail to the individual producer at his post office address, the result of each of his tests for the preceding month.

Samples of milk or cream, for the purpose of this Act, shall be taken not less than two (2) or more than four (4) times during each monthly period at the option of the buyer.

It shall be unlawful for the owner, manager, agent or any employee of a creamery or cheese factory, to manipulate, underread or overread the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, or to falsify the record thereof, or to pay for such milk or cream on the basis of any measurement except the true measurement as thereby determined. (Amended by Act approved June 25, 1917, in force July 1, 1917. L. 1917, p. 768.)

195. *Preservatives, Sale.*

SEC. 22. No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however,* that this section shall not apply to pure salt added to butter and cheese.

196. *Vehicles, Marking.*

SEC. 23. Any person, firm or corporation, who shall in any of the cities, incorporated towns or villages of this State which contains a population of

5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vendor on both sides of such carriage or vehicle.

197. Illegal Lard.

SEC. 24. No person shall within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

198. Lard Substitute.

SEC. 25. No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell, as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils, or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the tierce, barrel, tub, pail, or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be, or unless the same shall be sold under its own distinctive name as provided for in section 9 of this act.

199. Imitation or Substitute for Lard.

SEC. 26. It shall be unlawful to sell or offer for sale any "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as herein defined without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be.

200. Process Butter, Sale.

SEC. 27. No person, firm, or corporation, agent or employee shall manufacture for sale, sell, or offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 28 of this Act.

201. Process Butter, Branding.

SEC. 28. No person, firm or corporation, agent or employee shall sell, or offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter as defined in section 27 of this Act, unless the words "Renovated Butter," shall be plainly branded with gothic or bold face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

202. Illegal Foods, Seizure.

SEC. 29. Whenever the commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods and tag the same "suspected;" and he shall notify in writing

the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the commissioner. Whereupon the commissioner shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated or misbranded within the meaning of this Act the commissioner shall proceed with a hearing and subsequent proceedings as provided in this Act. If, however, such examination or analysis shall show that such article of food complies with the provisions of this Act, the person, firm or corporation, in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food. Such seizure may be had without a warrant and said commissioner, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor and to that end may cause any building, enclosure, wagon, or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

203. Search Warrants.

SEC. 30. All warrants issued pursuant to section 29 hereof shall be directed to the sheriff, bailiff or some constable of the county where such food or dairy products may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitutes thereof, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section 10 of this Act.

204. State's Attorney's Duty.

SEC. 31. It shall be the duty of the State's attorney in any county of this State when called upon by the commissioner, or any of his assistants, to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this Act: *Provided*, that no person shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs as defined herein, when the same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in this State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer within the meaning of this Act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this Act: *Provided*, that no such guaranty shall operate as a defense to prosecutions for the violation of this Act; first, if the dealer shall continue to sell after notice by the State food commissioner that such article is adulterated or misbranded within the meaning of this Act; second, if the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon demand the sample left with him by the commissioner or his agent.

205. *State Board of Health, Samples.*

SEC. 32. The State Board of Health may submit to the commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the results of such examination or analysis.

206. *State Analyst, Certificate.*

SEC. 33. It shall be unlawful for the State analyst or any assistant State analyst to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

207. *Shift or Device.*

SEC. 34. The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

208. *Master's Liability.*

SEC. 35. Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

209. *Penalties, License Fees, Proceeds, Payment.*

SEC. 36. All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State treasury.

210. *Label, Size of Type.*

SEC. 37. The principal label on any package of food, as defined by this Act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured and the size of type, if not otherwise described in this Act, shall be not smaller than EIGHT POINT (BREVIER) CAPS: *Provided*, that in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

211. *Rules and Regulations.*

SEC. 38. The State food commissioner shall make rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employee charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products, or liquids.

212. *Standard of Purity and Strength.*

SEC. 39. In the enforcement of this Act, and in the construction thereof, the following named articles of foodstuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively:

Milk shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8½) per cent of solids, not fat.

Cream shall contain not less than eighteen (18) per cent of milk fat.

Maple Sugar shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

Honey is a laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash, and not more than eight (8) per cent of sucrose.

Cloves shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Black pepper shall contain not less than six (6) per cent of nonvolatile ether extract, not less than twenty-five (25) per cent of pepper starch, nor more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

Lemon Extract shall contain not less than five (5) per cent of oil of lemon by volume.

Orange Extract shall contain not less than five (5) per cent of oil of orange by volume.

Vanilla Extract shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

Olive Oil has a refractive index (25° C.) not less than one and forty-six hundred and sixty ten-thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680), and in iodine number not less than seventy-nine (79) and not exceeding ninety (90).

All Vinegars shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20° C.).

Cider Vinegar shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20° C.).

Malt vinegar shall contain in one hundred (100) cubic centimeters (20° C.) not less than two (2) grams of solids and not less than two-tenths (0.2) grams of ash.

Wine vinegar shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20° C.).

Ice cream is a frozen substance, made from cream, or milk and cream, and sugar, with or without the additions of such other wholesome substances as have customarily been used in making ice cream, and contains not less than eight per cent (8%) milk fat, and manufactured, stored, distributed and dispensed in a sanitary manner. The following other substances have customarily been used in making ice cream: Eggs, flours, starches, butter, gelatin, flavoring, harmless colors, nuts, fruits, pastries and condensed milks.

In the enforcement of this Act and in the construction thereof all articles of food not defined in this Act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standard adopted and promulgated from time to time by the Food Standards Commission: *Provided*, that standards of quality, purity or strength, for food products, adopted from time to time by the Food Standards Commission and the regulations concerning the labeling of food products, adopted from time to time by the State food commissioner, shall constitute *prima facie* evidence in the trial of all cases in court of the proper standard or of the proper labeling: *Provided*, that nothing in this section shall be construed to prevent the sale of any wholesome food product which is below such standard, if such article of food be labeled so as to clearly indicate such variation: *Provided, further*, that in all places where foods below such standards are sold in bulk or have been removed from its original package, there shall be placed in a prominent position a placard in large letters of not less than one inch in length which shall clearly indicate such variation so as to be easily read by customers. (This and the following section amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

213. *Illegal Food, Sale.*

SEC. 39a. The sale of food which violates any of the provisions of this act is hereby prohibited; and whoever offers for sale, exposes for sale or

sells any food that violates any of the provisions of this Act shall be guilty of a misdemeanor and punished as herein provided.

214. Eggs.

SEC. 39a1. It shall be unlawful to ship or otherwise dispose of in any kind of a container, or in any other manner, any collection of eggs or any eggs known as "yolks stuck to the shell," "heavy blood rings," "partially hatched," "moldy eggs," "black spots," "black rots" or any other eggs of an unwholesome nature, unless the same are broken in the shell, and then denatured, so as to render the same unfit for human food.

Eggs exclusive of the above named varieties which are not intended for sale to the trade in shell form are hereby declared "Breaking Stock." "Breaking Stock," when packed in cases sealed with proper identifying strips, that have been approved by the Director of the Department of Agriculture, may be shipped from within or without the State of Illinois, either directly or otherwise, to licensed egg breaking establishments in Illinois.

All persons, firms or corporations that engage in the State of Illinois in the business of removing eggs from their shells in the manufacture of frozen, liquid, dessicated, or any other form of whole egg, yolks, whites, or any mixture of yolks and whites with or without the additions of any other ingredients, shall before engaging in such business, apply to the Director of the Department of Agriculture for a license. Thereupon, the Director of the Department of Agriculture, or his agents, shall inspect the establishment and equipment of said egg breaking establishment, and he shall also ascertain, if the said establishment complies in method and equipment with the sanitary law and the rules and regulations that shall from time to time be established by the Director of the Department of Agriculture, for the governing of these establishments. If after such inspection it shall appear that the said establishment complies with the provisions of the sanitary law and the rules and regulations governing egg breaking establishments, then the said Director of the Department of Agriculture shall certify to the State Treasurer that the said establishment is entitled to a license.

Every person, firm or corporation engaged in the breaking of eggs and whose establishment has been inspected and approved as above described shall pay annually during the month of December of each year a license fee of three hundred dollars (\$300.00) for each establishment to the treasurer of the State of Illinois. Said treasurer shall in each case at once certify to the Director of the Department of Agriculture the payment of such fee, and thereupon the Director of the Department of Agriculture shall issue a license to such establishment.

It shall be unlawful for any one to have in his possession eggs known as "yolks stuck to the shell," "heavy blood rings," "partially hatched," "moldy eggs," "black spots," "black rots," or any other unwholesome eggs, unless the same are broken in the shell, and then denatured so as to render the same unfit for human food.

Every egg breaking establishment, when it has received its license, shall be furnished with an identifying establishment number. Said number shall be included as part of the proper labeling of all cans or other receptacles in which frozen or dessicated egg products are offered for sale. The form and manner of placing said number on containers shall be under rules and regulations promulgated by the Director of the Department of Agriculture.

Brokers, commission men, or ordinary receivers of eggs who have eggs shipped to them in these "breaking stock" identified cases may break the seal and examine the stock, but they must reseal the identified strip where it is cut, with another identifying strip, which carries their name and address and the date on which they inspected the eggs. They will be held responsible for any tampering of the contents of the identified cases.

Whoever shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided in this Act, and in addition thereto the Director of the Department of Agriculture shall at once revoke such offender's license. (Amended by Act approved June 26, 1917, in force July 1, 1917. L. 1917, p. 774.)

215. Preliminary Hearing.

SEC. 40. When it appears from the examination or analysis that the provisions of this Act have been violated, the food commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer by registered mail. The party or parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney. If, after such hearing, the commissioner shall believe this Act has been violated, he shall cause the party or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act.

In all proceedings or prosecutions brought under this Act, it shall not be necessary to allege in the pleadings that a hearing was had before the commissioner. A certified copy of the records of the State Food Commissioner's office, showing that notice of hearing was sent by registered mail, together with a copy of such notice of hearing and the receipt of the post office department for such registered notice shall be received as evidence that such notice of hearing was given.

A certificate in the following form shall be sufficient:

"I,, Chief Clerk (or other employee) in State Food Commissioner's office, do hereby certify that the attached is a true, correct and complete copy or copies of the notice of hearing on Inspector's Sample No.

"That the said notice of hearing was enclosed by me in an envelope, properly stamped and addressed to..... of.....and was deposited and registered in the post office department at Chicago, Illinois, on the.....day of.....A. D. 19..., and that the attached receipt of the post office department is the receipt received by this office for the said notice.

.....
 "I hereby certify that.....is the chief clerk (or clerk) having custody of the records of Inspector's Sample No. in the State Food Commissioner's office and that the above, and the attached papers are a true, correct and complete record of the matters therein certified as appears by the records of my office."

"Given under my hand and seal this.....day of.....

.....
State Food Commissioner."

(This and the following section amended by Act becoming a law July 12, 1915. L. 1915, p. 700.)

SEC. 40a. No action or prosecution shall be instituted against any person for a violation of the provisions of this Act, unless the same shall have been commenced within six months from the taking of said sample, or unless begun by and with the advice and consent of the State's attorney of the proper county, first had and obtained therefor; and such prosecution shall at all times be under and within the control of said State's attorney.

216. Penalty.

SEC. 41. Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by fine in sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any

justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State food commissioner, or any other person in the name of the people of the State of Illinois as plaintiff and shall be recovered in an action of debt.

217. Judgment, Capias, Repeal.

SEC. 42. When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of the county, thereto remain as provided in section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1885, unless such fines and costs shall sooner be paid.

SEC. 43. All acts and parts of acts inconsistent with this Act are hereby repealed: *Provided*, that nothing in this Act contained shall be construed as repealing the act entitled, "An Act to regulate the manufacture and sale of substitutes for butter," approved June 14, 1897, in force July 1, 1897, or any part thereof.

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under unsanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and, to provide for the enforcement thereof. Approved June 5, 1911, in force July 1, 1911. L. 1911, p. 528.

218. Manufacturing Establishments, Lighting, Draining and Ventilating.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every building, room, basement, enclosure or premises, occupied, used or maintained as a bakery, confectionery, cannery, packing house, slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse, any public or place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which is intended for sale, shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

219. Unsanitary Condition Defined.

SEC. 2. The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every such establishment or place where such food intended for sale is produced, prepared, manufactured, packed, stored, sold or distributed, and all cars, trucks, and vehicles used in the transportation of such food products, shall at no time be kept or permitted to remain in an unclean, unhealthful or unsanitary condition; and for the purpose of this Act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and as far as may be necessary, by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing, or transportation of such food are not removed daily, or if all trucks, trays, boxes, buckets or other receptacles, or the chutes, platforms, racks, tables, shelves, and knives, saws, cleavers or other utensils, or the machinery used in

moving, handling, cutting, chopping, mixing, canning or other processes are not thoroughly cleaned daily; or if the clothing of operatives, employees, clerks or other persons therein employed, is unclean.

220. Sidewalls and Ceilings, Construction.

SEC. 3. The sidewalls and ceilings of every bakery, confectionery, creamery, cheese factory, and hotel or restaurant kitchen shall be so constructed that they can easily be kept clean; and every building, room, basement, or inclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable material which can be flushed and washed clean with water.

221. Doors and Screens.

SEC. 4. All such factories, buildings, and other places containing food, shall be so provided with proper doors and screens adequate to prevent contamination of the product from flies.

222. Toilet Rooms.

SEC. 5. Every such building, room, basement, inclosure, or premises occupied, used or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of such food, shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet rooms shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and towels and shall be maintained in a sanitary condition.

223. Nuisance Defined.

SEC. 6. If any such building, room, basement, inclosure or premises occupied, used or maintained for the purposes of the aforesaid, or if the floors, sidewalks, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained, or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five (5) sections of this act, the same is hereby declared a nuisance, and any toilet, toilet room, lavatory or wash room as aforesaid, which shall be constructed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section five (5) of this Act, is hereby declared a nuisance; and any car, truck, or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean, unhealthful or unsanitary condition is hereby declared a nuisance. Whoever unlawfully maintains, or allows or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as herein provided.

224. Cuspidors.

SEC. 7. Every person, firm, or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of the operatives, employees, clerks, and other persons, and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor, and punished as hereinafter provided.

225. *Expectorating, Penalty.*

SEC. 8. No operative, employee, or other persons shall expectorate on the food or on the utensils or on the floors or sidewalls of any building, room, basement, or cellar, where the production, preparation, manufacture, packing, storing or sale of any such food is conducted. Operatives, employees, clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

226. *Sleeping in Work Room.*

SEC. 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any work room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in hermetically sealed packages.

227. *Contagious Diseases.*

SEC. 10. It shall be unlawful for an employer to require, suffer or permit any person who is affected with any contagious or venereal disease to work, or for any person so affected to work, in a building, room, basement, inclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food.

228. *Inspection, Reports, Prosecutions.*

SEC. 11. It shall be the duty of the State Food Commissioner and those appointed by him to enforce this Act, and for that purpose the State Food Commissioner and his appointees shall have full power at all times to enter every such building, room, basement, inclosure or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of such food, to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid; and if upon inspection any such food producing or distributing establishment, conveyance, or any employer, employee, clerk, driver or other person is found to be violating any of the provisions of this Act, or if the production, preparation, manufacture, packing, storage, sale, distribution or transportation of such food is being conducted in a manner detrimental to the health of the employees and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the State Food Commissioner. The State Food Commissioner or the assistant commissioner shall thereupon issue a written order to the person, firm or corporation responsible for the violation or condition aforesaid to abate such condition or violation or to make such changes or improvements as may be necessary to abate them, within such reasonable time as may be required in which to abate them. Notice of such order may be served by delivering a copy thereof to said person, firm or corporation, or by sending a copy thereof by registered mail, and the receipt thereof through the post office shall be *prima facie* evidence that notice of said order has been received. Such person, firm or corporation shall have the right to appear in person or by attorney before the State Food Commissioner, or the person appointed by him for such purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show why such order or instructions should not be obeyed. Such hearing shall be under such rules and regulations as may be prescribed by the State Food Commissioner. If after such hearing it shall appear that the provisions or requirements of this Act have not been violated, said order shall be rescinded. If it shall appear that the requirements or provisions of this Act are being violated, and that the person, firm or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended, as the facts shall warrant, and shall thereupon be final, but such additional time as is necessary may be granted within

which to comply with said final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order of the State Food Commissioner within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order, within the time specified, the State Food Commissioner shall certify the facts to the State's attorney of the county in which such violation occurred, and such State's attorney shall proceed against the party or parties for the fines and penalties provided by this Act, and also for the abatement of the nuisance: *Provided*, that the proceedings herein prescribed for the abatement of nuisances as defined in this Act shall not in any manner relieve the violator from prosecution in the first instance for every such violation, nor from the penalties for such violation prescribed by section 13 of this Act.

229. Fines, Payment.

SEC. 12. All fines collected under the provisions of this Act shall be paid into the county treasury of the county in which the prosecution is brought, and it shall be the duty of the State's attorneys in the respective counties to prosecute all persons violating or refusing to obey the provisions of this Act.

230. Penalty.

SEC. 13. Whoever violates any of the provisions of this Act, or who refuses to comply with any lawful order or requirement of the State Food Commissioner, duly made in writing as provided in section 11 of this Act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), and for the second and subsequent offenses by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than ninety days, or both, in the discretion of the court; and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions, as ordered by the State Food Commissioner, as aforesaid, shall constitute a distinct and separate offense.

*AN ACT to protect the public and the manufacturers of dairy products from frauds and imitations and to prevent the public from being deceived in the use of adulterated foods by providing for marking, stamping and branding of cans or other containers for the handling and transportation of dairy products; for the registration of such mark or brand and prohibiting the use of such marked can, bottle or other container for any other than the designated purpose; and for preventing the use of any such brand or mark of another; and from defacing or removing the same; and providing penalties for violation thereof; and making it the duty of the Food and Dairy Commissioner to enforce the law.*²² Approved June 25, 1917, in force July 1, 1917. L. 1917, p. 773.

231. Dairy Containers, Brand, Adoption.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to protect the public against frauds and imitations in the sale of dairy products, and prevent the public from being deceived in the purchase and use of adulterated foods and to protect the manufacturers from being wrongfully charged with the manufacture, storage, transportation or sale of impure or adulterated foods, any person, firm or corporation engaged in the manufacture or transportation of any dairy products, including milk, cream and ice cream may adopt a suitable mark, stamp or brand for use upon any can, *bottle* or other container used in the handling and transporting any of said products and may file in the office of the Secretary of State a description of such mark, stamp or brand so desired to be used.

²² The four acts following were taken from Laws compiled for the Department of Agriculture.

232. *Brand, Device, Registration.*

SEC. 2. Such brand, stamp or mark may consist of a name, design or device, either in color, enamel or otherwise, and shall be registered by the Secretary of State, provided, it can be suitably distinguished from any other mark, stamp or brand theretofore registered; and such registered mark, stamp or brand may be affixed in any suitable and permanent manner to the can, bottle or other container, but nothing in this Act shall be construed as permitting the registration or use by any person, firm or corporation, of any brand, stamp, mark, name, design or device which, but for this Act, such person, firm or corporation would not be entitled to use.

233. *Registered Brand Protected.*

SEC. 3. It shall be unlawful for any person, firm or corporation to use any brand, stamp or mark which has already been selected and registered under the provisions of this Act upon any can, bottle or other container for any commodity.

234. *Marked Bottle, Use Prohibited.*

SEC. 4. It shall be unlawful for any person, firm or corporation, other than the rightful owner thereof, to use any can, bottle or other container marked, stamped or branded as herein provided.

235. *Brand, Defacing.*

SEC. 5. It shall be unlawful for any person, firm or corporation, other than the rightful owner thereof, to deface, remove or injure any such brand, stamp or mark upon any such can, bottle or other container referred to herein.

236. *Penalty.*

SEC. 6. Any person, firm or corporation who shall violate any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined for each such offense by a fine not less than five (\$5.00) dollars, nor more than one hundred (\$100.00) dollars, or by imprisonment in the county jail not to exceed thirty (30) days.

237. *Enforcement of Act.*

SEC. 7. It is hereby made the duty of the Food and Dairy Commissioner to enforce all of the provisions of this Act.

AN ACT to prevent fraud in the branding and sale of process and renovated butter. Approved April 24, 1901, in force July 1, 1901. L. 1901, p. 315.

238. *Renovated Butter, Sale.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person, firm, corporation, agent or employee shall manufacture, sell, offer or expose for sale in this State any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in Sec. 2 of this Act.

239. *Renovated Butter, Branding.*

SEC. 2. No person, firm, corporation, agent or employee, shall sell, offer or expose for sale, or deliver to purchaser, any boiled, process or renovated butter, as defined in section 1 of this Act, unless the words "Renovated Butter" shall be plainly branded with gothic or bold-faced letters at least three-fourths of an inch in length, on the top and sides of each tub, or box, or pail, or other kind of a case, or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and

read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

240. *Commissioner's Duty, Costs.*

SEC. 3. The State Food Commissioner and his assistants, experts and chemists, by him appointed, shall be charged with the proper enforcement of all the provisions of this Act. When complaint is made by the said State Food Commissioner, his assistants, employees or chemists, or by any other person authorized by the said State Food Commissioner, security for costs shall not be required.

241. *Penalty.*

SEC. 4. Whoever violates any provision of this Act shall be deemed guilty of a misdemeanor, and shall for each offense, upon conviction thereof, be subject to a fine of not less than twenty-five dollars nor more than fifty dollars, or of imprisonment in the county jail for any period not to exceed six months.

242. *Commissioner's Powers.*

SEC. 5. The said commissioner and his assistants, experts, chemists or agents, shall have access and ingress to all places of business, factories, stores and buildings, used for the manufacture or sale of butter. They also shall have power and authority to open any tub, box, pail or other kind of case or package containing any butter that may be manufactured, sold or exposed for sale.

²³AN ACT to regulate the manufacture and sale of substitutes for butter. Approved June 14, 1897, in force July 1, 1897. L. 1897, p. 3.

243. *Imitation Butter Defined.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of this Act, every article, substitute or compound other than [that] which is produced from pure milk or cream therefrom, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter: *Provided*, that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

244. *Coloring.*

SEC. 2. No person shall coat, powder or color with annatto or any coloring matter whatever; any substance designed as a substitute for butter, whereby such substitute or product so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter or combine therewith or with animal fat or vegetable oil, or combination of the two, or with either one, any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed: *Provided*, nothing in this Act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream from the same.

No person shall by himself, his agents or employees, produce or manufacture any substance in imitation or semblance of natural butter, nor sell nor keep for sale, nor offer for sale any imitation butter, made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

²³ This act is a reasonable and appropriate exercise of the police power in that it is designed to prevent manufacturers and dealers from coloring oleomargarine or other

substitutes for butter to make them resemble genuine butter and thereby deceive purchasers. *People v. Freeman* (1909), 242 Ill. 373, 379.

This section shall not be construed to prohibit the manufacture and sale under the regulations hereinafter provided, of substances designed to be used as a substitute for butter and not manufactured or colored as herein provided.

245. Branding.

SEC. 3. Every person who lawfully manufactures any substances designed to be used as a substitute for butter, shall mark by branding, stamping or stenciling upon the top and side of each box, tub, firkin or other package in which such article shall be kept and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the word "oleomargarine," or the word "butterine," or the words "substitute for butter," or the words "imitation butter," in printed letters in plain Roman type, each of which shall not be less than three-quarters of an inch in length.

246. Notice to Purchaser.

SEC. 4. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

247. Shipment, Marking.

SEC. 5. No person, by himself or others, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter unless it shall be marked or branded on each tub, box, firkin or jar, or other package containing the same, as provided in this Act, and unless it be consigned by the carriers and receipted for by its true name: *Provided*, that this Act shall not apply to any goods in transit between foreign states across the State of Illinois.

248. Unmarked Package, Possession.

SEC. 6. No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, jar, box or other package containing the same be clearly and durably marked, as provided in this Act: *Provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves [or] their families. Every person who shall have possession or control of any imitation butter for the purpose of selling the same, which is not marked as required by the provisions of this Act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this Act, of such product.

249. Unmarked Substance, Intention.

SEC. 7. Whoever shall have possession or control of any imitation butter or any substance designed to be used as a substitute for butter, contrary to the provisions of this Act, for the purpose of selling the same, or offering the same for sale, shall be held to have possession of such property with intent to use it in violation of this Act.

250. Actions, Parties.

SEC. 8. No action shall be maintained on account of any sale or contract made in violation of, or with intent to violate, this Act, by or through any person who was knowingly a party to such wrongful sale or contract.

251. Removing Marks.

SEC. 9. Whoever shall deface, erase or remove any mark provided by this Act, with intent to mislead, deceive, or to violate any of the provisions of this Act, shall be guilty of a misdemeanor.

252. Penalty, Prosecutions.

SEC. 10. Whoever shall violate any of the provisions of this Act shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not to exceed sixty days for each

offense, or by both fine and imprisonment, in the discretion of the court, or the fine alone may be sued for and recovered before any justice of the peace in the county where the offense shall be committed, at the instance of any person in the name of the People of the State of Illinois as plaintiff.²⁴

SEC. 11. It is hereby made the duty of the State's attorney of each county in this State to prosecute all violations of this Act upon complaint of any person, and there shall be taxed as his fees in the case the sum of ten dollars (\$10), which shall be taxed as costs in the case.

AN ACT relating to the manufacture of butterine and ice cream. Approved June 3, 1907, in force July 1, 1907. L. 1907, p. 309.

253. *Butterine and Ice Cream Factories, Drainage, Air Shafts, Etc.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all buildings or rooms occupied by butterine and ice cream manufacturers shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows and ventilating pipes sufficient to insure ventilation. The factory inspector shall direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement now used for the manufacture of butterine or ice cream shall be so occupied or used unless the proprietor shall comply with the sanitary provisions of this Act.

254. *Furniture and Utensils, Storage.*

SEC. 2. Every room used for the manufacture of butterine and ice cream shall be at least eight feet in height, and shall have, if deemed necessary by the factory inspector, an impermeable floor, constructed of cement, or of tiles laid in cement, or an additional flooring of wood, properly saturated with linseed oil. The side walls of such room shall be plastered and wainscoted. The factory inspector may require the side walls and ceiling to be white-washed at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed, and not prevent the proper cleaning of any part of the room. The manufactured butterine and ice cream shall be kept in dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned. No domestic animal shall be allowed to remain in a room where butterine or ice cream is manufactured or stored, and no water closets or ash pit shall be within or connected with the rooms used in the manufacture of butterine or ice cream.

255. *Inspection, Certificate.*

SEC. 3. The State Factory Inspector shall cause such manufactories to be inspected. If it be found, upon such inspection, that the manufactories so inspected are constructed and conducted in compliance with the provisions of this Act, the factory inspector shall issue a certificate to the persons owning or conducting such manufactories.

256. *Alterations, Notice.*

SEC. 4. If, in the opinion of the State Factory Inspector, alterations are required in or upon premises occupied and used as butterine and ice cream manufactories, in order to comply with the provisions of this Act, a written notice shall be served by him upon the owner, agent, or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

257. *Penalties.*

SEC. 5. Any person who violates any of the provisions of this Act, or refuses to comply with any of the requirements as provided herein, of the factory inspector or his deputy, who are hereby charged with the enforce-

²⁴ Prosecutions under this act are not dependent upon a compliance with section 4 of the Pure Food Law; the two acts not being in

pari materia. *People v. Anderson Tea Co.* (1913), 173 Ill. App. 124, 126.

ment of this Act, shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not less than fifty dollars, (\$50.00) nor more than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) for the second offense, or imprisonment for not more than thirty days, and for a third offense by a fine not less than five hundred dollars (\$500.00) nor more than sixty (60) days' imprisonment, or both.

AN ACT to prevent frauds in the coloring of grain. Approved May 25, in force July 1, 1887. Laws 1887, p. 91.

258. *Grain, Coloring.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person shall subject, or cause to be subjected, any barley, wheat or other grain, to fumigation, by sulphur, or other material, or to any chemical or coloring process, whereby the color, quality or germ of such grain is affected.

259. *Colored Grain, Sale.*

SEC. 2. No person shall offer for sale, or procure to be sold, any barley, wheat, or other grain, which shall have been subjected to such fumigation, or other process, as provided in section one (1) of this Act, knowing such barley, wheat, or other grain to have been so subjected.

260. *Violation, Penalty.*

SEC. 3. Any person violating the provisions of this Act, shall, upon conviction, be punished by fine of not less than one hundred (\$100) dollars, nor more than one thousand (\$1,000) dollars, and imprisonment not exceeding three months in the county jail, and shall also be liable for all damages sustained by any person injured by such violation.

261. *Prosecution, Jurisdiction, Fines.*

SEC. 4. Any court of record shall have jurisdiction over this Act, and all fines under this Act, shall be collected as the statute provides in other criminal cases.

AN ACT to protect the public from imposition in relation to canned or preserved food. Approved June 27, in force July 1, 1885. Laws 1885, p. 207.

262. *Canned Goods, Labeling, Packer Defined.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall hereafter be unlawful in this State for any packer or dealer in preserved or canned fruits and vegetables or other articles of food to offer such canned articles for sale after January 1, 1886, with the exception of goods brought from foreign countries, or packed prior to the passage of this Act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that pack the same or dealer who sells the same. The firm, person or corporation labeling such goods shall be considered the packer or packers.

263. *Soaked Goods, Branding.*

SEC. 2. That all soaked goods put up from products dried before canning shall be plainly branded on the face of the label, in letters not less than one-half inch high and three-eighths inch wide of solid and legible type the word "soaked."

264. *Violation, Penalty.*

SEC. 3. Any person, firm or corporation, who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and punished with a fine of not less than fifty dollars (\$50), in the case of vendors, and in the case of manufacturers and those falsely or fraudulently stamping or labeling such cans or jars a fine of not less than five hundred dollars (\$500) nor more than one thousand

dollars (\$1,000), and it shall be the duty of any board of health in this State cognizant of any violation of this Act to prosecute any person, firm or corporation, which it has reason to believe has violated any of the provisions of this Act, and after deducting the costs of the trial and conviction, to retain for the use of such board the balance of the fine or fines recovered.

²⁵ AN ACT to regulate the sale of veal. Approved June 16, 1887, in force July 1, 1887. L. 1887, p. 307.

265. *Calves under Four Weeks Old, Penalty.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That if any person kills, or causes to be killed, for the purposes of sale, any immature calf or any calf less than four weeks old, or knowingly sells, or has in his possession with intent to sell, for food, the meat of any immature calf, or any calf killed when less than four weeks old, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both fine and imprisonment; and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any health officer, or any sheriff, or deputy sheriff, constable or police officer.

AN ACT to provide for the inspection of any animal intended for human food, appearing to be diseased, and for the disposition of the carcass. Filed May 27, 1907, in force July 1, 1907. L. 1907, p. 7.

266. *Animal Inspection.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of preventing the use of meat or meat food products for human food which are unsound, unhealthful, unwholesome or otherwise unfit for human food, the Board of Live Stock Commissioners may, at their discretion, make or cause to be made, by the State veterinarian, or his assistants, or any duly authorized live stock inspector in the employ of the State of Illinois, an examination of any animal intended for human food which he or they believe is afflicted with any contagious or infectious disease, or any disease or ailment which would render the carcass of said animal unfit for human food.

267. *Killing of Diseased Animals, Disposition.*

SEC. 2. In event any animal shall be inspected by any person herein authorized to make said inspection, and in his judgment found to be afflicted with any disease or ailment which would render said animal unfit for human food, it shall be the duty of the person making said examination to forthwith take possession or control of said animal, and notify the owner or person or corporation in control or possession of such animal that such animal is unfit for human food; whereupon said animal shall immediately be killed and the carcass examined by some person or persons authorized to make inspection of such animals. If, upon examination of the carcass, it shall appear to the examiner that the same is suitable for human food, he shall allow the person or corporation from whom said animal was taken to make disposition of the carcass or such examiner shall cause the same to be sold; but if in the opinion of such inspector any such carcass is unwholesome or unfit for human food, then the same shall be, by him, stamped, marked, tagged or labeled "inspected and condemned," and every such condemned carcass shall be destroyed for the purposes of human food and such examiner shall cause the offal thereof to be sold: *Provided*, that if such carcass shall be disposed of for food purposes by such inspector and the offal sold, the proceeds thereof shall be accounted for as the Board of Live Stock Commissioners may provide.

²⁶ The three acts following may also be found in the Pamphlet of Laws compiled for the Department of Agriculture.

268. *Penalty.*

SEC. 3. Any person, firm or corporation who shall, in any manner, fail, neglect or refuse to comply with any provision in this Act contained, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00),-or confined in the county jail not exceeding one year, or both.

AN ACT to regulate cold storage of certain articles of food. Filed June 28, in force July 1, 1917. L. 1917, p. 648.

269. *Cold Storage, Terms Defined.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: For the purpose of this Act, "cold storage" shall mean the storage or keeping of articles of food at or below a temperature above zero of 45 degrees Fahrenheit in a cold storage warehouse; "cold storage warehouse" shall mean any place artificially cooled to or below a temperature above zero of 45 degrees Fahrenheit, in which articles of food are placed and held for thirty days or more; "article of food" shall mean fresh meat and fresh meat products and all fish, game, poultry, eggs and butter.

270. *License Fee.*

SEC. 2. No person, firm or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the Department of Agriculture. Any person, firm or corporation desiring such a license shall make written application to the Department of Agriculture for that purpose, stating the location of the warehouse. The Department of Agriculture thereupon shall cause an examination to be made of said warehouse and, if it be found by him to be in a proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year. The license shall be issued upon payment of (by) the applicant of a license fee of \$25.00 per annum to the Department of Agriculture.

271. *Unsanitary Condition.*

SEC. 3. In case any cold storage warehouse, or any part thereof, shall at any time be deemed by the Department of Agriculture, to be in an unsanitary condition, or not properly equipped for its intended use, he (it) shall notify the licensee of such condition and upon the failure of the licensee to put such cold storage warehouse in a sanitary condition or to properly equip the same for its intended use, within a time to be designated by the Department of Agriculture, he (it) shall revoke such license.

272. *Record, Reports.*

SEC. 4. Every such licensee shall keep accurate records of the articles of food received in and of the articles of food withdrawn from his cold storage warehouse, and the Department of Agriculture shall have free access to such records at any time. Every such licensee shall submit a monthly report to the Department of Agriculture, setting forth in itemized particulars the quantities and kinds of articles of food in his cold storage warehouse. Such monthly reports shall be filed on or before the fifth day of each month, and the reports so rendered shall show the conditions existing on the last day of the preceding month reported and a summary of such reports shall be prepared by the Department of Agriculture and shall be open to public inspection on or before the tenth day of each month.

273. *Inspection and Supervision.*

SEC. 5. The Department of Agriculture shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as he (it) may deem necessary to secure the proper enforcement of this Act, and he (it) shall have access to all cold storage warehouses at all reasonable times. The Department of Agriculture may appoint such persons as he (it) deems qualified to make any inspection under this Act.

274. *Storing Food Articles.*

SEC. 6. No article of food intended for human consumption shall be placed, knowingly, received or kept in any cold storage warehouse, if diseased, tainted, otherwise unfit for human consumption, or in such condition that it will not keep wholesome for human consumption. No article of food, for use other than for human consumption, shall be placed, received or kept in any cold storage warehouse unless previously marked, in accordance with forms to be prescribed by the Department of Agriculture, in such a way as to indicate plainly the fact that such article of food is not to be sold or used for human food.

275. *Labeling Food Articles, Evidence.*

SEC. 7. No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this State articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the date when placed therein; and no person, firm or corporation shall remove, or allow to be removed, such article of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be *prima facie* evidence of such receipt and removal and of the dates thereof. All articles of food in any cold storage warehouse at the time this Act goes into effect shall, before being removed therefrom, be plainly marked, stamped or tagged with the date when this Act goes into effect and the date of removal therefrom.

276. *Storing Food Articles, Duration, Removal.*

SEC. 8. No person, firm or corporation shall hereafter keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the State, for a longer aggregate period than twelve months, except with the approval of the Director of the Department of Agriculture as hereinafter provided. The Director of the Department of Agriculture may, from time to time, upon application in writing, extend the period of storage beyond twelve months for any particular article of food, provided the same is found upon examination by the Department of Agriculture to be in wholesome condition for further cold storage. The length of time for which such further storage is allowed shall be specified in the order granting the extension. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the said director, the kinds and amounts of the articles of food for which the storage period was extended, and length of time for which this extension was granted, shall be filed, open to public inspection, in the office of said director.

The Director of Agriculture shall have power to order any article of food held in cold storage to be removed therefrom before the expiration of the first period of twelve months or before the expiration of any period of extension granted by him for any of the following reasons:

(1) That the storage of the article of food beyond the time fixed by the Director of the Department of Agriculture in his order of removal will render such article of food unwholesome;

(2) That the person, firm or corporation storing such article of food has entered into a contract, agreement or understanding for the purpose or with the intent of fictitiously increasing the price of such article of food;

(3) That the storage of such article of food is for the purpose or with the intent of fictitiously increasing the price thereof;

(4) That the storage of such article of food tends to create a monopoly;

(5) That the storage of such article of food tends to restrain or prevent competition in this State in the supply or price of such article.

Before such article of food shall be ordered removed from storage, the Director of Agriculture shall give at least five days' notice in writing of his intention to make such order, and shall accord the person, firm or corporation receiving such notice a full hearing thereon.

277. *Sale.*

SEC. 9. It shall be unlawful to sell, or to offer for sale, any article of food which has been held for a period of thirty days or over in cold storage either within or without the State, without notifying persons purchasing, or intending to purchase, the same, that it has been so held, by the display of a placard plainly and conspicuously marked, "Cold Storage Goods," on the bulk mass or articles of food; and it shall be unlawful to represent or advertise as fresh any article of food which has been held in cold storage for a period of thirty days or over.

278. *Returned Goods, Etc.*

SEC. 10. It shall be unlawful to return to any cold storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale. It shall be unlawful to transfer any article of food from one cold storage warehouse to another if such transfer is made for the purpose of avoiding any provision of this Act, and such transfer shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon.

279. *Rules and Regulations.*

SEC. 11. The Department of Agriculture may make all necessary rules and regulations to carry this Act into effect. Such rules shall be filed in the director's office, and shall not take effect until five (5) days after such filing.

280. *Penalty.*

SEC. 12. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor and shall upon conviction be punished for the first offense by a fine not exceeding one hundred (\$100) and for the second or any subsequent offense by a fine not exceeding five hundred (\$500) or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court.

281. *Construction of Act.*

SEC. 13. This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

282. *Short Title.*

SEC. 14. This Act may be cited as the Uniform Cold Storage Act.

283. *Repeal.*

SEC. 15. All Acts or parts of Acts inconsistent with this Act hereby repealed.

AN ACT to revise the law in relation to criminal jurisprudence. Approved March 27, in force July 1, 1874.

284. *Bread and Candy, Adulteration, Penalty.*

SEC. 7. Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food, or any candy or confection, with any substance which is poisonous or injurious to health, and whoever sells or offers or keeps for sale any adulterated bread or other substance intended for food, or candy or confection, knowing the same to be so adulterated, or shall sell or offer to sell or keeps for sale any flesh of any diseased animal or other corrupt or unwholesome provision, shall be confined in the county jail not exceeding one year, or be fined not exceeding \$1,000, or both, in the discretion of the court.

285. *Liquor, Adulteration, Penalty.*

SEC. 8. Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health; and whoever sells or offers or keeps for sale any such liquor so adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both.

AN ACT to prevent the adulteration of butter and cheese, or the sale or disposal of the same, or the manufacture or sale of any article as a substitute for butter or cheese, or any article to be used as butter and cheese. Approved June 1, in force July 1, 1881. Laws 1881, p. 74.

286. *Butter and Cheese, Manufacture, Adulteration, Penalty.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whoever manufactures out of any oleaginous substances, or any compound of the same other than that produced from unadulterated milk or cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, and shall sell or offer for sale the same as butter or cheese, or give to any person the same as an article of food, as butter or cheese, shall, on conviction thereof, be fined not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200).

287. *Repeal.*

SEC. 2. All Acts or parts of Acts inconsistent with this Act, are hereby repealed.

AN ACT to prevent and punish the adulteration of articles of food, drink and medicine and the sale thereof when adulterated. Approved June 1, in force July 1, 1881. Laws 1881, p. 75.

288. *Foods, Use of Injurious Substance.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person shall mix, color, stain or powder, or order or permit any other person in his or her employ, to mix, color, stain or powder any article of food with any ingredient or material, so as to render the article injurious to health, or depreciate the value thereof, with intent that the same may be sold; and no person shall sell or offer for sale any such article so mixed, colored, stained or powdered.

289. *Drug or Medicine, Use of Injurious Substance.*

SEC. 2. No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or material, so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered.

290. *Food, Drink or Medicine, Stamping or Labeling.*

SEC. 3. No person shall mix, color, stain or powder any article of food, drink or medicine, or any article which enters into the composition of food, drink or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell, or offer the same for sale, or order or permit any other person to sell or offer for sale any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine, at the time of making sale thereof or offering to sell the same.

291. *Butter and Cheese, Foreign Substance, Stamping or Labeling.*

SEC. 4. No person shall mix oleomargarine, suine, butterine, beef-fat, lard, or any other foreign substance with any butter or cheese intended for human food, without distinctly marking, stamping or labeling the article, or the package containing the same, with the true and appropriate name of such article, and the percentage in which such oleomargarine or suine, enters

into its composition; nor shall any person sell or offer for sale, or order, or permit to be sold, or offered for sale, any such article of food into the composition of which oleomargarine, or suine has entered, without at the same time informing the buyer of the fact and the proportions in which such oleomargarine, suine, or butterine, beef-fat, lard, or any other foreign substance has entered into its composition: *Provided*, that nothing in this Act shall be so construed as to prevent the use of harmless coloring matter in butter and cheese or other articles of food.

292. *Violation, Penalty.*

SEC. 5. Any person convicted of violating any provision of any of the foregoing sections of this Act, shall, for the first offense, be fined not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200); for the second offense he shall be fined not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), or confined in the county jail not less than one month, nor more than six months, or both, at the discretion of the court; and for the third and all subsequent offenses, he shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), and imprisoned in the penitentiary not less than one year, nor more than five years.

293. *Defenses.*

SEC. 6. No person shall be convicted under any of the foregoing sections of this Act, if he shows to the satisfaction of the court or jury that he did not know that he was violating any of the provisions of this Act, and that he could not, with reasonable diligence, have obtained the knowledge.

294. *Prosecution, State's Attorney's Duty.*

SEC. 7. The State's attorneys of this State are charged with the enforcement of this Act, and it is hereby made their duty to appear for the people, and to attend to the prosecution of all complaints under this Act, in their respective counties, in all courts.

295. *Repeal.*

SEC. 8. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

AN ACT to revise the law in relation to criminal jurisprudence. Approved March 27, in force July 1, 1874.

296. *Drugs or Medicine, Adulteration.*

Division I, SEC. 10. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells or offers or keeps for sale any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, and such adulterated drugs and medicines shall be forfeited and destroyed.

AN ACT to regulate the sale of milk, and to provide penalties for the adulteration thereof. Approved May 29, in force July 1, 1879. Laws 1879, p. 111.

297. *Milk, Adulteration, Strippings, Diseased Cows, Penalty.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whoever shall, for the purpose of sale for human food, adulterate milk with water or any foreign substance, or whoever shall knowingly sell for human food, milk from which cream has been taken, without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food, milk from which what is commonly called "strippings" has been withheld, without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food milk drawn from a diseased cow, knowing her to be so diseased as to render her milk unwholesome, or whoever shall knowingly sell for human food milk so tainted or corrupted as to be unwholesome, or

whoever shall knowingly supply, or bring to be manufactured into any substance for human food, to any cheese or butter factory or creamery, without all interested therein knowing or being informed of the fact, milk which is adulterated with water or any foreign substance, or milk from which cream has been taken, or milk from which what is commonly called "strippings" has been withheld, or milk drawn from a diseased cow, knowing her to be so diseased as to injure her milk, or milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly, with intent to defraud, take from milk after it has been delivered to a cheese factory, or butter factory, or creamery, to be manufactured into any substance for human food, for or on account of the person supplying the milk or cream, or shall, with like intent, knowingly add any foreign substance to the milk or cream, whereby it, or the products thereof, shall become unwholesome for human food, shall be guilty of a misdemeanor, and for each and every such misdemeanor shall be fined not less than twenty-five (25) nor more than one hundred dollars (\$100), or confined in the county jail not exceeding six (6) months, or both, in the discretion of the court.

298. Milk Adulteration, Impure Cow's Food, Penalty.

SEC. 2. Any person who shall adulterate milk, with a view of offering the same for sale or exchange, or shall keep cows for the production of milk for market, or for sale or exchange, in an unhealthy condition, or knowingly feed the same on food that produces impure, diseased, or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than fifty dollars (\$50), nor more than two hundred dollars (\$200), for each and every offense.

299. Milk Wagons and Cans, Marking, Penalty.

SEC. 3. Any person or persons, who shall in any of the cities of this State, engage in or carry on a retail business in the sale, exchange of, or any retail traffic in milk, shall have each and every can in which the milk is carried or exposed for sale or exchange, and the carriage or vehicle from which the same is vended, conspicuously marked with his, her, or their name or names, also indicating by said mark the locality from which said milk is obtained or produced, and for every neglect of such marking, the person or persons so neglecting, shall be subject to the penalties expressed in section two of this Act, but for every violation of this Act, by so marking said cans, carriage or vehicle, as to convey the idea that said milk is produced or procured from a different locality than it really is, the person or persons so offending, shall be subject to a fine of one hundred dollars (\$100).

300. Skimmed Milk, Marking, Penalty.

SEC. 4. Any person who shall, in any of the cities of this State, offer for sale any milk from which the cream or any part thereof shall have been taken, shall offer for sale and sell the same as skimmed milk, and not otherwise, and shall have each can or vessel in which such milk is carried, or exposed for sale, plainly and conspicuously marked with the words, "Skimmed Milk." Any person violating this section shall be subject to a fine not exceeding fifty dollars (\$50) for each and every violation.

301. Judgment, Costs and Imprisonment.

SEC. 5. Upon the rendition of judgment imposing a fine as provided in the foregoing sections, it shall be the duty of the justice of the peace or other court rendering said judgment, also to render a judgment for the costs, and forthwith to issue a *capias* or warrant of commitment against the body of the defendant, commanding that, unless the said fine and costs be forthwith paid, the defendant shall be committed to the jail of the county, and the constable or other officer to whose hands said *capias* or warrant shall come, shall, in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain, as provided by section 308 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1874; unless such fine and costs shall sooner be paid.

302. *Milk Adulterants and "Swill" Defined.*

SEC. 6. The addition of water or any foreign substance to milk or cream intended for sale or exchange, is hereby declared an adulteration. Any milk that is obtained from cows fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, is hereby declared to be impure, and unwholesome. Nothing in this Act shall be construed to prevent the addition of sugar in the manufacture of condensed or preserved milk.

AN ACT to prevent the adulteration of vinegar, and to prevent fraud and imposition in the manufacture and sale of vinegar, and to protect the purchasers thereof. Approved June 14, in force July 1, 1883. Laws 1883, p. 176.

303. *Cider Vinegar, Manufacture, Adulteration, Penalty.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That every person who shall manufacture for sale, or shall offer or expose for sale, as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said apple cider, shall, for each such offense, be punished by a fine of not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50).

304. *Unwholesome Vinegar Defined, Manufacture, Penalty.*

SEC. 2. Every person who shall manufacture for sale, or who shall offer or expose for sale, any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health, shall, for each such offense, be punished by a fine of not less than one hundred dollars (\$100).

WATER SUPPLY, GARBAGE AND SEWAGE.

AN ACT to provide for the incorporation of cities and villages. Approved April 10, in force July 1, 1872. L. 1871-2, p. 218.

305. *Water Works, Etc., Construction, Borrowing Money, Water-rates, Franchise Ordinance, Pollution and Waste.*

Article X. SECTION 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

306. *Territorial Limits, Condemnation, Jurisdiction.*

SEC. 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend.

307. *Rules and Regulations, Water Taxes, Rates and Assessments, General Tax.*

SEC. 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water

taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, (whether) the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance, prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

AN ACT to enable cities, incorporated towns and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for the water so supplied. Approved April 9, in force July 1, 1872. Laws 1871-2, p. 271. Title amended in 1885.

308. *Water Supply Contracts, Limitation.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, incorporated towns and villages where water works have been or may hereafter be constructed by any person or incorporated company, the city, town or village authorities in such cities, incorporated towns and villages may contract with such person or incorporated company for a supply of water for public use for a period not exceeding thirty years. (Amended by Act approved June 30, in force July 1, 1885. Laws 1885, p. 64.)

309. *Water Tax.*

SEC. 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

AN ACT authorizing cities, incorporated towns and villages to construct and maintain water works. Approved and in force April 15, 1873.

310. *Water Works, Construction and Maintenance, Intercorporate Arrangement.*

SECTION 1. That all cities, incorporated towns and villages in this State, be and are hereby authorized and shall have power to provide for a supply of water for the purposes, of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection, construction and maintaining of a system of water works or by uniting with any adjacent city, incorporated town or village, in the erection construction and maintaining of a system of water works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having water works: *Provided*, that all contracts for the erection or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks' public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county: *And, provided, further*, that no member of the city council or board of trustees or mayor shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

Whereas, an emergency exists, therefore this Act shall be in force from and after its passage. (Amended by Act approved and in force May 14, 1879. Laws 1879, p. 64.)

311. General Tax, Borrowing Money, Appropriation.

SEC. 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same.

312. Real Estate, Purchase or Condemnation, Territorial Limits.

SEC. 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits.

313. Rules and Regulations, Water Tax or Rate, Lien.

SEC. 4. The common council of such cities, or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide.

314. Reservoirs and Hydrants, Water Pipes, Expenses, Special Assessment.

SEC. 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages.

315. Water Works Fund, Application.

SEC. 6. All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the common council or board of trustees may direct.

316. Water Works Excepted.

SEC. 7. The provisions of this Act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

SEC. 8. (Emergency.)

AN ACT to aid cities owning or operating water works to secure an additional or better supply of pure water. Approved and in force May 27, 1881. L. 1881, p. 157.

317. Water Powers and Privileges Granted.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all cities owning or operating water

works under any charter granted by Act of any General Assembly of this State, or under the general incorporation laws of this State, whether by boards of water commissioners or by officers appointed for that purpose, are hereby granted the following powers and privileges, for the purpose of increasing or bettering the source of supply from which such water is obtained.

318. Wells, Constructing or Leasing, Referendum.

SEC. 2. Whenever, in the judgment of a majority of any board of water commissioners, or if there be no such board, then in the judgment of a majority of the city council of any city owning or operating such water works, it shall be necessary for the public health, or for any other cause, to increase the source of water supply, or to substitute for it such better source as, in their judgment, the interests of such city may demand, such board of water commissioners or city council may, in addition to the powers already conferred upon them by Act of any General Assembly of this State, construct wells, either by boring or excavation, and protect and equip the same after construction, or may lease water privileges from private parties or corporations owning wells already or hereafter to be constructed, and may pay for such construction or lease, and for the expenses maintained in operating the same, out of any earnings of such water works under their control which may be in their hands at the time of the taking effect of this Act, or which may accrue to them hereafter: *Provided*, that no money shall be expended under the provisions of this Act, for the purposes herein specified, until the question of the expenditure of such money for the purposes aforesaid shall have been submitted to a vote of the people of the city in which such water works may be situated, at any election for city officers or special election called for that purpose by the city council of said city, and shall have received a majority of the votes cast at such election: *Provided, further*, that no money shall be expended under the provisions of this Act, for the purposes aforesaid, other than the surplus earnings of such water works.

SEC. 3. (Emergency.)

AN ACT authorizing cities, towns and villages to build, purchase or extend water works systems for public and domestic use, and to provide for the cost thereof. Approved April 22, in force July 1, 1899. Laws 1899, p. 104.

319. Water Works System, Construction, Purchase or Extension, Interest Bearing Certificates.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every city, incorporated town and village in this State, is hereby authorized to acquire water works for supplying water for public use, and for domestic use of its inhabitants by building or purchasing a water works system or enlarging or extending an existing system. In payment for such building, purchase or enlargement any such municipality may issue certificates of indebtedness limited in their payment solely to the water fund hereinafter provided for; such certificates may bear interest at a rate of not exceeding six per centum per annum, payable semi-annually, and shall only be issued at not less than par value in payment for the building, purchase or extension of a water works system.

320. Ordinance, Referendum.

SEC. 2. Any such municipality desiring to avail itself of the provisions of this Act shall first pass an ordinance, fixing in a general way the capacity of the water works system it is proposed to acquire, and referring to the plans and specifications therefor, which shall be open to the inspection of the public; which said ordinance shall fix the rates at which water is to be supplied for all private purposes, and said rates, so fixed, shall not thereafter be reduced until the certificates issued for acquiring or enlarging the water works, and the interest thereon, are fully paid. Which said ordinance shall be published in a newspaper published in such municipality, at least once in each week for three successive weeks. And if no petition shall be

filed with the clerk of such municipality as hereinafter provided, within twenty-one days after the first publication of said ordinance, then the corporate authorities may proceed to carry out the provisions of the ordinance. But if within said period of twenty-one days there shall be filed with the clerk of such municipality a petition, signed by twenty per cent of the number of voters voting for presiding officer of the legislative body of such municipality at the next preceding general city, town or village election, asking that the question of acquiring or enlarging a water works system be submitted to a vote. [.] It [it] shall then be the duty of the legislative body of such municipality to call a special election in the manner provided by law, to vote upon such question, and if it appear that a majority of the voters voting upon such question at such election vote in favor of acquiring or enlarging the water works, then said ordinance shall be in full force and effect, and the corporate authorities may proceed to carry out the provisions thereof, but if a majority of the votes cast are against such acquiring or enlarging, then said city, incorporated town or village shall proceed no further for the period of six months next ensuing.

321. Water Fund, Application.

SEC. 3. Whenever any such municipality shall avail itself of the provisions of this Act, the entire proceeds arising from the operation of the water works system thereof shall be paid into a fund known as the "water fund," and which fund shall be and remain inviolate until the certificates issued under the terms hereof and the interest thereon is fully paid, and the treasurer of such municipality shall not pay any warrants drawn on said fund unless the same be drawn in payment of the necessary operating expenses of such water works system, or in payment of the certificates issued hereunder or the interest thereon.

322. Mortgage or Trust Deed, Conditions.

SEC. 4. In order to secure in the most ample manner the payment of the water certificates, authorized as aforesaid, any such municipality may convey by way of mortgage or deed of trust the water works system so acquired or enlarged which said mortgage or deed of trust shall be acknowledged and recorded in the same manner as mortgages of real property, and which mortgage or deed of trust may contain such provisions and conditions as are reasonably necessary to fully secure the payment of said water certificates,

323. Water Certificates, Foreclosure, Decree, Sale.

SEC. 5. Whenever, and as often as default shall be made in the payment of water certificates, issued as aforesaid, and such default shall continue for the space of ninety days, it shall be lawful for said mortgagee or trustee to declare the whole of the principal and interest of such certificates at once due and payable, and proceed to foreclose the same in any court of competent jurisdiction, and in any decree to be rendered in such suit of foreclosure there shall be included a reasonable solicitor's fee for the complainant's solicitor, and such decree shall fix reasonable rates for water furnished from said water works system for public uses during the time that such municipality shall be deprived of the possession thereof, as hereinafter provided, and upon any sale under such decree of foreclosure the person or corporation offering to satisfy said decree for the rents, incomes and profits of said water works system for the least number of years, not exceeding fifty, shall become the purchaser thereof, and on satisfying said decree shall be let into the use, occupation and enjoyment of said water works system during the period of time for which the same were sold, and during such period such purchaser or assigns shall be entitled to receive and collect for water furnished for private uses the rates prescribed in the ordinance provided for in section 2 of this Act, and shall be entitled to receive and collect the reasonable rates fixed for the public uses of water in such decree. At the end of said period said purchasers or assigns shall deliver said water works system to such municipality in as good condition as when the same was received, ordinary wear and tear excepted.

324. *Purchaser's Rights, Protection.*

SEC. 6. During the period of time when the purchaser at such foreclosure sale shall be entitled to the use and enjoyment of said water works system, it shall not be competent for such municipality to construct or authorize any other person or corporation to construct a competing system of water works, nor shall it be competent for the purchaser at such foreclosure sale, or assigns, to extend the water works system so purchased, except upon such terms as such municipality may authorize.

325. *Scope of Act.*

SEC. 7. This shall be deemed and construed to confer powers in addition to but not limiting those now existing.

AN ACT to enable cities and villages to buy, construct or enlarge water works and to provide for the management thereof, and giving them authority to levy an annual tax and to pledge the same in payment therefor.²⁶ Title to Act approved April 19, in force July 1, 1899, as amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.

326. *Water Works, Purchase, Construction and Enlarging, Annual Tax.*

SECTION 1. That cities and villages shall have the power to levy, in addition to the taxes now authorized by law, a direct annual tax of not more than one cent on the dollar upon all the property within the corporate limits of the city or village, said tax to be payable yearly for a period of not more than thirty years; the proceeds of said tax to be used solely for the purchase, construction or enlarging of water works. (Amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.

327. *Contract Ordinance.*

SEC. 2. Whenever any city or village desires to avail itself of the provisions of this Act, the city council or the board of trustees, as the case may be, may by ordinance or resolution contract for the purchase, erection or enlarging of water works for a provisionally certain fixed sum, or may so contract for purchase, extension or enlarging if the plant proposed to be purchased shall be inadequate, and such contract for erection, purchase or enlarging, together with a report from the city or village engineer recommending the same, shall be published at least once a week for three consecutive weeks in a daily or weekly newspaper published in said city or village, and shall at the same time provide by resolution or ordinance for the levying of a direct annual tax as authorized in section 1 of this Act, the total of which said tax for the term levied, together with the annual revenue which is estimated to be derived from the works, shall be sufficient to pay the contract price for the works, together with interest on same; but such contract for purchase, erection or enlarging, and such tax, shall not be valid or binding until confirmed by vote as follows: (Amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.)

328. *Referendum.*

SEC. 3. Such contract and tax, after action by the council or trustees aforesaid, shall, before they shall be valid and binding, be submitted for ratification to the voters of the city or village at a regular or special election by giving notice of same, which notice shall specify the character of the said works proposed to be erected, purchased or enlarged and the amount of tax to be levied, and said notice shall be posted in ten public places within such city or village at least three weeks prior to said election, and also by publication three times in a daily or weekly newspaper published in said city or village, and for three weeks preceding such election there shall be on file in some public place, convenient of access, a full description of works, copy of contract and report of engineer, for the inspection of the voters, and notice of where said plans and specifications are on file shall be included

²⁶ A municipality that has reached its constitutional limit of indebtedness can not take advantage of this Act by attempting to

create an additional indebtedness. *Village of East Moline v. Pope* (1906), 224 Ill. 386.

in the notice of election. If three-fourths of all the voters voting on said proposition shall vote in favor of said contract, and tax, the same shall be binding and the tax duly levied. The ballots at such election shall read:

"Proposition to construct, purchase or enlarge (or all) water works and levy a tax of.....annually for.....years."	Yes	
	No	

(Amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.)

329. *Superintendent and Employees.*

SEC. 4. The city council in cities and the board of trustees in villages shall have the power to carry into execution the contract for the erection, purchase or enlarging of water works when ratified by the voters, as directed in section 3, and employ a superintendent and such other employees as may be necessary and proper for the operation of such works for the collection of water rentals and for the conduct of the business necessary to the operation thereof. (Amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.)

330. *Bonds, Authority.*

SEC. 5. The city council in cities and the board of trustees in villages shall have the power to issue bonds against the taxes levied, the same to be payable only out of said special tax when collected and out of the net revenue derived from the operation of said works.

331. *Bonds, Provisions.*

SEC. 6. The said bonds shall be made to mature in as nearly as possible equal installments of one hundred dollars, or multiples thereof, the first installment to be payable one or two years from date, the last installment within one year after date of the last tax levy provided in the vote authorizing said levy. The bonds shall bear interest at a rate not to exceed six per cent, payable annually or semi-annually, shall be sold for not less than par, or may be paid out at not less than par for the construction, purchase or enlarging of said works. (Amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.)

332. *Bonds, Form.*

SEC. 7. Said bonds shall be substantially in the following form:

The city or village of....., county of....., State of Illinois, for value received hereby promises to pay the bearer..... hundred dollars, lawful money of the United States of America, on theday of....., A. D., together with interest thereon at the rate of.....per centum per annum, payable annually on the.....day of....., A. D. Both principal and interest payable at the.....

This bond is one of a series of bonds amounting to..... dollars, issued by ordinance of the city (or village) of..... and is payable solely out of funds derived from special tax levy and net revenue of the water works of the city (or village) of.....; the erection, purchase or enlarging of said works and levy of said tax having been authorized at an election legally called and held on the..... day of....., A. D.; and out of no other funds. And it is hereby recited that all acts, conditions and things precedent to and in the issuance of this bond have been properly done, happened and performed in regular and due form as required by law.

In testimony whereof the city council (or board of trustees) has caused this bond to be signed by the mayor (or president) and countersigned by the clerk, and caused the seal of the city (or village) to be affixed thisday of....., A. D.

.....Mayor.
Clerk.

Coupons representing the interest shall be attached thereto, which may be signed or bear the lithographed signature of the clerk of said city or village. (Amended by Act approved May 18, in force July 1, 1905. Laws 1905, p. 94.)

333. *Water Rentals and Rates.*

SEC. 8. The board of trustees or city council shall from time to time fix the water rentals or rates to be charged for the furnishing of water, and such shall be made sufficient, together with the proceeds of the special tax provided by the Act to pay at maturity the interest and principal of bonds issued under the provisions of the Act, and also for the proper maintenance and operation of such works, the proper and necessary extension thereof, and for all repairs thereon.

334. *Joint Water Districts, Referendum.*

SEC. 9. Any two or more villages or cities adjacent to each other may elect by ordinance to create a water district, said district to be governed by a board of trustees composed of the joint city councils or village boards of each and every such city and village, which said board of trustees shall have the power given to city councils or boards of trustees in this Act, and said water districts shall be a body corporate to carry out the provisions of the Act, but notice of any election held by such water district under this Act shall be given in each and every city and village combining into the district, and if the election shall not carry by three-fourths of all voters voting in each city or village in said district, then the proposed contract and tax shall be considered to have failed of ratification and to be void.

335. *Scope of Act.*

SEC. 10. This Act shall be considered as conferring additional power on city councils and boards of trustees, and as in addition to and not limiting powers now given cities and villages, city councils and boards of trustees by law.

AN ACT to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages. Approved and in force April 25, 1889. Laws 1889, p. 67.

336. *Annexation of Municipalities, Use of Water Works.*

SEC. 12. If a part of a city, village or incorporated town be annexed to another village, city or incorporated town, then such part of the city, village or incorporated town shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation, on the same terms, conditions and restrictions that it had before such annexation; and on the same terms, conditions and restrictions said territory not annexed may thereafter receive the use and benefit thereof; and if a portion of the territory of any city, village or incorporated town be annexed to another city, village or incorporated town, then the portion of the city, village or incorporated town not annexed shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation on the same terms, conditions and restrictions that it had before such annexation, and on the same terms, conditions and restrictions said territory annexed may thereafter receive the use and benefit thereof. Either part of such village, city or incorporated town receiving such benefit as aforesaid may have its said rights and benefits waived by the city council or board of trustees of the city, village or incorporated town to and from which said territory is annexed and detached, upon such just and equitable terms as they may agree, and if they can not agree, then the matter shall be determined by the Circuit or County Court of the county within which such city, village or incorporated town to which territory is annexed may lie, on petition of any person interested therein. Said court shall determine the matter aforesaid in a summary manner and without formal proceedings pronounce

judgment as the right and equity of the case may require, and such judgment shall be final and conclusive.

AN ACT to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of water furnished by any individual, company or corporation to any such city, town or village and the inhabitants thereof. Approved June 6, in force July 1, 1891. Laws 1891, p. 85.

337. *Maximum Rates, Ordinance, Review.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate authorities of any city, town or village, now or hereafter incorporated under any general or special law of this State, in which any individual, company or corporation has been, or hereafter may be, authorized by such city, town or village to supply water to such city, town or village and the inhabitants thereof, be and are hereby empowered to prescribe by ordinance maximum rates and charges for the supply of water furnished by such individual, company or corporation to such city, town or village and the inhabitants thereof, such rates and charges to be just and reasonable. And in case the corporate authorities of any such city, town or village shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the Circuit Court of the county in which such city, town or village may be.

AN ACT to revise the law in relation to criminal jurisprudence. Approved March 27, in force July 1, 1874.

338. *Stream or Watercourse, Obstruction, Penalty.*

DIVISION I. SEC. 199. Whoever wilfully and wantonly obstructs the passage of any stream or water course by casting, felling or depositing any tree, timber or other thing across or into the same whereby the flow of water is prevented, hindered or impeded, shall be fined not exceeding \$500.00, or confined in the county jail not exceeding six months, or both: *Provided*, that nothing herein contained shall prevent the maintenance or construction of dams for manufacturing or other lawful purpose, nor the maintenance or construction of bridges in such manner as not to interrupt the flow of water: *And, provided, further*, that this section shall not apply to any person who shall lawfully fell any tree for use and immediately removes the same out of the stream or water course. (Amended by Act approved June 18, in force July 1, 1891. Laws 1891, p. 102.)

AN ACT to authorize cities of a certain class to make contracts for a period exceeding one year relating to the collection and final disposition of garbage. Approved and in force March 30, 1897. Laws 1897, p. 95.

339. *Garbage and Ashes Disposal, Contracts.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city having a population of more than one hundred thousand inhabitants, as shown by any school census or by the federal census, shall be and hereby is authorized and empowered to make contracts for more than one year and not exceeding five years, relating to the collection and final disposition of garbage and ashes.

340. *Annual Tax.*

SEC. 2. Whenever any city shall make any such contract as is authorized by this Act, it shall be and is hereby made the duty of the city council of such city to include in the annual appropriation ordinance of each current fiscal year, an appropriation of a sum of money, sufficient to pay the amount, which under and by the terms of any such contract, shall become due and payable during such current fiscal year.

341. *Repeal.*

SEC. 3. All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. (Emergency.)

AN ACT to authorize cities and villages having a population of less than 100,000 to levy a tax for the purpose of collecting and disposing of garbage. Approved June 25, in force July 1, 1915. Laws 1915, p. 285.

342. *Garbage Plants, Establishment, Annual Tax.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council of each incorporated city in this State, whether organized under the general law or special charter, having a population of less than 100,000, and the president and board of trustees of each village in the State of Illinois having a population of less than 100,000, shall have power to establish and maintain garbage systems or plants for the collection and disposal of garbage in such city or village and may levy a tax not to exceed two mills on the dollar on all the taxable property in the city or village according to the valuation of the same as made for the purpose of State and county taxation by the last assessment, in said city or village for such purposes. Said annual garbage tax shall be in addition to the amount authorized to be levied for general purposes as provided by section 1 of article 8 of "An Act for the incorporation of cities and villages," approved April 10, 1872, and all amendments thereto.

AN ACT to enable cities, towns and villages to contract with each other for sewerage. Approved May 14, in force July 1, 1879. Laws 1879, p. 75.

343. *Sewerage, Construction, Extension, Intercorporate Arrangement.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

344. *Resolution or Ordinance, Effect.*

SEC. 2. The contract contemplated in section one of this Act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city, or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

AN ACT to create sanitary districts and to provide for sewage disposal. Approved June 22, in force July 1, 1917. L. 1917, p. 396.

345. *Sewage Disposal, Lake Michigan.*

SEC. 7. The board of trustees of any sanitary district organized under this Act shall have power to provide for the disposal of the sewage thereof including the sewage and drainage of any incorporated city, town or village within the boundaries of such district and to save and preserve the water supplied to the inhabitants of such district from contamination and for that purpose may construct and maintain an enclosed conduit or conduits, main pipe or pipes, wholly or partially submerged, buried or otherwise, and by means of pumps or otherwise cause such sewage to flow or to be forced

through such conduit or conduits, pipe or pipes to and into any ditch or canal constructed and operated by any other sanitary district, after having first acquired the right so to do, or such board may provide for the drainage of such district by laying out, establishing, constructing and maintaining one or more channels, drains, ditches and outlets for carrying off and disposing of the drainage (including the sewage) of such district together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed, in a satisfactory manner, including pumps and pumping stations and the operation of the same. Such board may also treat and purify such sewage so that when the same shall flow into any lake or other watercourse, it will not injuriously contaminate the waters thereof, and may adopt any other feasible method to accomplish the object for which such sanitary district may be created, and may also provide means whereby the said sanitary district may reach and procure supplies of water for diluting and flushing purposes: *Provided, however*, that nothing herein contained shall be construed to empower or authorize such board of trustees to operate a system of water works for the purpose of furnishing or delivery (of) water to any such municipality or to the inhabitants thereof. Nothing in this Act contained shall authorize said trustees to flow the sewage of such district into Lake Michigan and any such plan for sewage disposal by any sanitary district organized hereunder, is hereby prohibited.

346. Pollution of Waters, Police, Appointment.

SEC. 18. The board of trustees of any such sanitary district shall have power and authority to prevent the pollution of any waters from which a water supply may be obtained by any city, town or village within said district, and shall have the right and power to appoint and support a sufficient police force, the members of which may have and exercise police powers over the territory within such drainage district, and over the waters from which said water supply may be obtained, for a distance of three miles from the shore thereof, or from the source of said water supply for the purpose of preventing the pollution of said waters, and any interference with any of the property of such sanitary district; but such police officers when acting within the limits of any such city, town or village, shall act in aid of the regular police force thereof, and shall then be subject to the direction of its chief of police, city or village marshals or other head thereof: *Provided*, that in so doing they shall not be prevented or hindered from executing the orders and authority of said board of trustees of such sanitary district: *Provided, further*, that before compelling a change in any method of disposal of sewage so as to prevent the said pollution of any water, the board of trustees of such district shall first have provided means to prevent the pollution of said water from sewage or refuse originating from their own sanitary district.

AN ACT creating a rivers and lakes commission for the State of Illinois, and defining the duties and powers thereof. Approved June 10, in force July 1, 1911. L. 1911, p. 115.

347. Pollution of Streams and Lakes, Investigation, Abatement.

SEC. 14. It shall be the duty of said Rivers and Lakes Commission (The Civil Administrative Code abolished this commission and placed its powers under the Department of Public Works and Buildings) to see that all of the streams and lakes of the State of Illinois, wherein the State of Illinois, or any of its citizens, has any rights or interest, are not polluted or defiled by the deposit or addition of any injurious substances, and that the same are not affected injuriously by the discharging therein of any foul or injurious substances, so that fish or other aquatic life is destroyed. And if, upon investigation, the commission shall find that any of such streams and lakes are so polluted and defiled, or are affected injuriously by the discharging therein of any foul or injurious substances so that fish or other aquatic life is destroyed, it shall be the duty of said commission to enter an order commanding the abatement of such nuisances within such time as may

be fixed by the commission. (Amended by Act approved June 30, in force July 1, 1913. L. 1913, p. 121.)

SANITATION.

AN ACT to prohibit the use of a common drinking cup, glass or other utensil used for public drinking purposes in public and private schools, State educational institutions, halls used for public meetings or entertainments, hotels, lodging houses, theatres, factories or public or municipal buildings, on railroad trains and stations and in other public places in the State of Illinois. Approved June 5, in force July 1, 1911. Laws 1911, p. 289.

348. Common Drinking Cup, Public Buildings.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That it shall be unlawful for any person, firm or corporation, directly or indirectly, connected in any public or private school or in any State institution, halls used for public meetings or entertainments, hotels, lodging houses, theatres, factories or public or municipal buildings in the State of Illinois to use or permit for use a common drinking cup, glass or other utensil used for public drinking purposes.

349. Railroad Trains and Stations.

SEC. 2. It shall be unlawful for any person or corporation in charge of or in control of any railroad trains or any station to permit the use of a common drinking cup, glass or other utensil used for public drinking purposes in or about any trains operated by it or in any building or premises used by it whatever.

350. Public Buildings, Railroad Trains and Stations, Common Drinking Cup, Furnishing.

SEC. 3. No person, firm or corporation in charge of or in control of any railroad train or railroad station, or any public or private school, or any State educational institution, or of any hall used for public meetings or entertainments, or hotel, lodging house, theatre, or factory, or of any public or municipal building in the State of Illinois shall furnish any drinking cup, glass or other utensil used for public drinking purposes for public use, nor shall such person or corporation or institution use or have for use in or upon its premises any such common drinking cup.

351. Violation of Act, Penalty.

SEC. 4. Any person, firm or corporation who shall violate any of the provisions of this Act shall, upon conviction, be fined for each offense the sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

AN ACT to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such a business in the State of Illinois. Approved June 10, in force July 1, 1909. Laws 1909, p. 98.

352. Barber Shops, Rules and Regulations, Notice, Quarantine, Hearing, Revocation of Certificate.

SEC. 11. Said board shall be authorized to adopt reasonable rules providing for the sanitary regulation of barber shops, subject to the approval of the State Board of Health, and shall have the power to enter any barber shop during business hours for the purpose of inspection of such shops. If any shop be found in an unsanitary condition, or if any barber working therein has been charged with imparting any contagious or infectious disease, the board shall immediately notify the health officer thereof, and such shop shall be quarantined and the barber so charged shall not practice his occupation until such quarantine shall be removed by the health officers. Said board shall have the power to revoke any certificate of registration granted by it under this Act, for conviction of crime, habitual drunkenness, for six months immediately before a charge duly made, gross incompetency, failure to comply with the sanitary rules approved by the State Board of Health or for having imparted any contagious or infectious disease: Pro-

vided, that before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice at least five (5) days after the service of notice thereof, be given a public hearing and be given an opportunity to present testimony in his behalf, and to confront the witnesses against him. Any person whose certificate has been revoked, may after the expiration of ninety (90) days apply to have his certificate regranted, and the same shall be regranted to him upon his giving satisfactory proof that his disqualification has ceased to exist.

AN ACT relating to hotels, inns and public lodging houses in cities, villages and incorporated towns in the State of Illinois. Approved June 25, in force July 1, 1913. Laws 1913, p. 395.

353. Hotel Defined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals in which ten (10) or more rooms are used for accommodation of guests shall, for the purpose of this Act, be defined to be a hotel and whenever the word hotel shall occur in this Act, it shall be construed to mean every such structure as in [is] described in this section.

354. Bedding, Requirements.

SEC. 2. All beds for accommodation of guests in any hotel shall be provided with sufficient supply of clean bedding and with clean sheets each of which shall be at least eighty-one inches wide and ninety-nine inches long. All beds shall be provided with clean sheets as often as the same shall be assigned to different persons.

355. Towel Supply.

SEC. 3. Each and every hotel having a public washroom shall keep therein at all times a sufficient supply of individual clean towels in a place in sight of, and easy [of] access to guests. Also, at least two clean towels in each room, each day.

356. Fumigation of Rooms.

SEC. 4. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said rooms shall be thoroughly fumigated and all bedding therein thoroughly disinfected before said room shall be occupied by any other person, but in any event, such room shall not be let to any person for at least forty-eight hours after such fumigation or disinfection.

357. Drainage and Plumbing, Lavatories.

SEC. 5. Every hotel shall be well drained, constructed, and plumbed according to sanitary rules to be established by the State Board of Health and shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the control of the owner, manager, agent or other person in charge; and shall be provided with water closets or privies properly screened for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times, in a sanitary condition.

358. Violation, Penalty.

SEC. 6. Every owner, manager, agent or person in charge of a hotel who shall fail to comply with any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or shall be imprisoned in the county jail for not less than ten days nor more than three months or both, and every day that such hotel is carried on in violation of this Act shall constitute a separate offense.

359. Posting Act.

SEC. 7. That [the] State Board of Health shall cause to be printed and shall forward to each hotel, inn, and public lodging house coming under the provisions of this Act, a sufficient number of copies of this Act, so as to enable the management of the said hotel, inn, or public lodging house to post one notice in a conspicuous place in each room used for lodging purposes, and the said management shall cause the said notices so sent to be posted as provided for in this section.

360. Repeal.

SEC. 8. All Acts and parts of Acts inconsistent herewith are hereby repealed.

AN ACT for the regulation and inspection of tenement and lodging houses, or other places of habitation. Approved and in force May 30, 1881. L. 1881, p. 155.

361. Tenements and Lodging Houses, Plans and Specification, Approval.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of any architect or architects, builder or builders of, or other person or persons interested in any projected tenement, lodging house, or other places of habitation, in any incorporated city of fifty thousand (50,000) inhabitants, to submit plans and specifications of any such building or buildings to the health commissioner or commissioners of such incorporated city that the said health commissioner or commissioners may examine the said plans and specifications, for his or their approval or rejection, as to the proposed plans for the ventilation of rooms, light and air shafts, windows, ventilation of water closets drainage and plumbing.

362. Plumbing Work, Instructions.

SEC. 2. It shall be the duty of any plumber or other person or persons interested in the contract for the plumbing work of such building or buildings, to receive a written certificate of instruction from the health commissioner or commissioners before commencing work on the said building or buildings, and to proceed according to the plans, specifications and instructions, as approved by the health commissioner or commissioners of said city.

363. Plumbing Work, Completion, Notice, Inspection.

SEC. 3. It shall be the duty of any plumber or other person or persons interested in the plumbing work, after the completion of said plumbing work, and before any of the said plumbing work is covered up in any building or buildings, or on the premises connected with said building or buildings, to notify in writing the health commissioner or commissioners, that said building or buildings, or other premises are now ready for inspection, and it shall be unlawful for any plumber or other person or persons to cover up, or in any way conceal such plumbing work in or about such building or buildings, until the health commissioner or commissioners approve of the same.

364. Architect, Penalty.

SEC. 4. If any architect or architects, builder or builders, violate the provisions of this Act, he or they shall be fined in a sum not less than one hundred (100) nor more than two hundred (200) dollars for each offense.

365. Plumber, Penalty.

SEC. 5. If any plumber or other person or persons interested in the plumbing work, violate any of the provisions of this Act, he or they shall be fined in the sum not less than one hundred (100) nor more than two hundred (200) dollars for the first offense, and the further penalty of ten dollars (\$10) for each and every day such plumbers or other interested person or persons shall, after first conviction, neglect or refuse(al) to comply with any provisions of this Act, or the written instructions of the health commissioner or commissioners, and for the second offense, a like penalty and a

forfeiture of his or their license to do business in said city for one (1) year after conviction.

SEC. 6. (Emergency.)

²⁷AN ACT to regulate the manufacture of clothing, wearing apparel and other articles in this State, and to provide for the appointment of State inspectors to enforce the same and to make an appropriation therefor. Approved June 17, 1893, in force July 1, 1893. L. 1893, p. 99.

366. *Workshops, Tenements, Inspection, Reports.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* (a) That no room or rooms, apartment or apartments in any tenement or dwelling house used for eating or sleeping purposes, shall be used for the manufacture, in whole or in part, of coats, vests, trousers, knee-pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein.

(b) Every such workshop shall be kept in a cleanly state, and shall be subject to the provisions of this Act, and each of said articles made, altered, repaired or finished in any of such workshops shall be subject to inspection and examination, as hereinafter provided, for the purpose of ascertaining whether said articles, or any of them, or any part thereof, are in a cleanly condition and free from vermin and any matter of an infectious and contagious nature.

(c) And every person so occupying or having control of any workshop as aforesaid, shall within fourteen days from the taking effect of this Act, or from the time of beginning of work in any workshop as aforesaid, *notify the board of health of the location* of such workshop, the nature of the work there carried on, and the number of persons therein employed.

367. *State Inspector, Powers and Duties.*

SEC. 2. If the board of health of any city or said State inspector finds evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein, and if said board or inspector shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, said board or inspector shall issue such order or orders as the public health may require, and the board of health are hereby enjoined to condemn and destroy all such infectious and contagious articles.

368. *Imported Goods, Inspection, Disposal.*

SEC. 3. (a) Whenever it shall be reported to said inspector or to the board of health, or either of them, that coats, vests, trousers, knee-pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars are being transported to this State, having been previously manufactured in whole or part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture.

(b) And if upon such examination said goods, or any of them, are found to contain vermin, or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the *board of health*, or inspector, which board or inspector shall thereupon make such order or orders as the public health shall require, and the board of health are hereby empowered to condemn and destroy all such articles.

369. *Employment of Children, Registry, Inspection.*

SEC. 4. (a) No child under fourteen years of age shall be employed in any manufacturing establishment, or factory or workshop within this State.

(b) It shall be the duty of every person, firm or corporation, or agent or manager of any corporation employing children to keep a register in which shall be recorded the name, birthplace, age and place of residence of every person employed by him, them or it under the age of sixteen years; and it shall be unlawful for any person, firm or corporation, or any agent or man-

²⁷ This act was taken from the Pamphlet compiled for the Department of Labor.

ager of any corporation, to hire or employ in any manufacturing establishment, factory or workshop any child over the age of fourteen years and under the age of sixteen years, unless there is first provided and placed on file an affidavit made by the parent or guardian, stating the age, date and place of birth of said child; if said child have no parent or guardian, then such affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and which said register and affidavit shall be produced for inspection on demand by the inspector, assistant inspector or any of the deputies appointed under this Act.

(c) The factory inspector, assistant inspector and deputy inspectors shall have power to demand a certificate of physical fitness from some regular physician of good standing in case of children who may appear to him or her physically unable to perform the labor at which they may be engaged, and shall have power to prohibit the employment of any minor that can not obtain such a certificate.

SEC. 5. (Invalid.)²⁸

370. *Hours of Labor, Notice, Employment List, Posting.*

SEC. 6. Every person, firm or corporation, agent or manager of a corporation employing any female in any manufacturing establishment, factory or workshop, shall post and keep posted, in a conspicuous place in every room where such help is employed, a printed notice stating the hours for each day of the week between which work is required of such persons, and in every room where children under sixteen years of age are employed a list of their names, ages and place of residence.

371. *Terms Defined, List of Workshops.*

SEC. 7. (a) The words "manufacturing establishment," "factory" or "workshop," wherever used in this Act, shall be construed to mean any place where goods or products are manufactured or repaired, cleaned, or sorted, in whole, or in part, for sale, or for wages.

(b) Whenever any house, room or place is used for the purpose of carrying on any process of making, altering, repairing or finishing for sale, or for wages, any coats, vests, trousers, knee-pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars, or any wearing apparel of any kind whatsoever, intended for sale, it shall, within the meaning of this Act, be deemed a workshop for the purposes of inspection.

(c) And it shall be the duty of every person, firm or corporation to keep a complete list of all such workshops in his, their or its employ, and such list shall be produced for inspection on demand by the board of health or any of the officers thereof, or by the State inspector, assistant inspector or any of the deputies appointed under this Act.

372. *Penalty.*

SEC. 8. Any person, firm or corporation who fails to comply with any provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than three dollars, nor more than one hundred dollars for each offense.

SEC. 9. (Repealed by implication).

373. *Appropriation.*

SEC. 10. That the following named sums, or so much thereof as may be necessary, respectively for the purposes hereinafter named, be and are hereby appropriated:

First. (Invalid.)²⁹

Second. The sum of eight thousand dollars to defray traveling expenses and other necessary expenses incurred by said inspector, assistant factory

²⁸ This section prohibits the employment of women in factories or workshops for longer periods than eight hours in one day, and was declared invalid. *Ritchie v. People* (1895), 155 Ill. 98, 102, et seq.; Sec. 2, Art. 2, Const. 1870; 14th Amendment to Federal Constitution.

²⁹ The first clause of this section was declared unconstitutional on the ground that it appropriated a sum of money for salaries of state officers in an Act embracing other subjects than such appropriation. *Ritchie v. People* (1895), 155 Ill. 98, 121; Secs. 13, 16, Art. 4, Const. 1870.

inspector or deputy inspectors while engaged in the performance of their duties, not to exceed four thousand dollars in any one year.

374. *Warrants.*

SEC. 11. The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for the sums herein specified, upon the presentation of proper vouchers, and all sums herein appropriated shall be paid upon monthly pay rolls, duly certified by the inspector, and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated. Such warrants shall be drawn in favor and payable to the order of the person entitled thereto.

AN ACT to provide for the licensing of plumbers, and to provide for the supervision and inspection of plumbing and providing penalties for the violation thereof, and to repeal an Act entitled "An Act to provide for the licensing of plumbers and to supervise and inspect plumbing" approved June 10, in force, July 1, 1897, and all amendments thereto and all Acts and parts of Acts inconsistent herewith. Filed June 29, in force July 1, 1917. Laws 1917, p. 520.

375. *Plumbing Work and Sewage Regulations.*

SEC. 5. Each city, town or village in this State having a system of water supply or sewerage, shall by ordinance or by-law within three months of the passage of this Act and with the advice of the Department of Public Health, prescribe rules and regulations for the materials, constructions, alteration and inspection of all plumbing and sewerage placed in or in connection with any building in such city, town or village; and the board of health or proper authorities shall further provide that no plumbing work shall be done except in case of repairing of leaks without a permit being first issued therefor and upon such terms and conditions as such city, town or village shall prescribe.

AN ACT to regulate the making, re-making and renovation of mattresses, quilts, or bed comforters, and regulating the sale thereof, and providing a punishment for a violation thereof. Approved June 29, in force July 1, 1915. L. 1915, p. 375.

376. *Mattresses.*³⁰

EMBALMING, POISONS AND NUISANCES.

AN ACT to revise the law in relation to coroners. Approved February 6, in force July 1, 1874.

377. *Inquest, Embalming, Coroner's Permission, Penalty.*

SEC. 25. No undertaker or other person shall embalm the dead body of any person with, or inject therein, or place thereon any fluid or preparation of any kind before obtaining permission from the coroner where such body is the subject of a coroner's inquest. Any person who shall violate the provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50.00). (Added by Act approved May 17, in force July 1, 1907. L. 1907, p. 214.)

AN ACT to regulate the manufacture, sale, use or disposal of embalming fluids, containing arsenic or strychnine, and providing for a penalty for the violation thereof. Approved May 20, in force July 1, 1907. L. 1907, p. 267.

378. *Embalming Fluid, Manufacture, Labeling.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That no person, firm, corporation or

³⁰ This act consisting of four sections is omitted for the reason that in *People v. Weiner* (1915), 271 Ill. 74, sections 1 and 2 of said Act are expressly declared invalid as an absolute or unconditional prohibition of the conduct of a business which is subject

to reasonable regulation. Although section 3 was treated as a valid provision, the statement in the opinion that the act amounts to class legislation justifies considering and treating the entire act as unconstitutional.

copartnership shall manufacture, give away, sell, expose for sale or deliver, any embalming fluid or other fluid of whatsoever name, to be used for or intended for use in the embalming of dead human bodies, which contains arsenic or strychnine, without having the words "Arsenic contained herein," or "Strychnine contained herein" (as the case may be) written or printed upon a label pasted on the bottle, cask, flask or carboy, in which said fluid shall be contained.

379. Embalming Fluid, Use by Undertakers.

SEC. 2. No undertaker or other person shall embalm with, inject into, or place upon, any dead human body, any fluid or preparation of any kind which contains arsenic or strychnine.

380. Violation, Penalty.

SEC. 3. Any person, firm, corporation or copartnership who shall violate any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00).

AN ACT to regulate the sale of paris green. Approved April 22, in force July 1, 1907. L. 1907, p. 267.

381. Paris Green, Quality, Labeling, Sale.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That every lot or parcel of Paris green sold, or offered or exposed for sale, within the State shall have affixed thereto in a conspicuous place a printed label bearing the words, "High grade, for insecticide purposes," or the words, "Not for insecticide purposes," and every package labeled as of high grade for insecticide purposes shall have affixed thereto a plainly printed statement clearly and truly certifying the name, brand, or trade-mark under which the article is sold, the name and address of the manufacturer, importer, or dealer, the net weight of the package, and the percentage of arsenic in combination with copper which the Paris green in said package contains. If the Paris green is sold in bulk for insecticide purposes, or if it is put up in packages and sold at retail to the purchaser, the agent or dealer shall furnish the purchaser with the label and statement described in this section, and it shall be unlawful to sell, or to offer or expose for sale as of high grade for insecticide purposes, any Paris green which does not contain arsenic in combination with copper equivalent to at least fifty (50) per cent, of arsenious trioxide, or which contains arsenic in water-soluble forms, equivalent to more than three and one-half (3½) per cent, of arsenious trioxide.

382. Penalty.

SEC. 2. Any manufacturer, importer, agent or other person selling, offering, or exposing for sale, any Paris green without the label required by section one of this Act, or selling, offering, or exposing for sale as of high grade for insecticide purposes, any Paris green without the printed statement required by section one of this Act, or with a label stating that the said Paris green contains substantially a larger percentage of arsenic in combination with copper than is actually present therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.

383. Prosecution, State's Attorney.

SEC. 3. It shall be the duty of the State's attorney of each county to prosecute the person or persons violating any provisions of this Act.

AN ACT to revise the law in relation to criminal jurisprudence. Approved March 27, in force July 1, 1874.

384. Nuisance Defined.

SEC. 221. It is a public nuisance:

1. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

2. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, lake, pond, spring, well or common sewer, street or public highway.

3. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

4. To obstruct or impede, without legal authority, the passage of any navigable river or waters.

5. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

6. To carry on the business of manufacturing gunpowder, nitro-glycerine, or other highly explosive substances, or mixing or grinding the materials therefor, in any building within twenty rods of any valuable building erected at the time such business may be commenced.

7. To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within fifty rods of any occupied dwelling house.

8. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

9. To advertise wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities: *Provided*, that nothing in this section contained shall be construed to prevent the municipal authorities of any incorporated city, town or village from declaring what shall be nuisances, and abating the same within their limits.

385. Penalties.

SEC. 222. Whoever causes, erects or continues any such nuisance shall, for the first offense, be fined not exceeding \$100, and for a subsequent offense shall be fined in a like amount, and confined in the county jail not exceeding three months. Every such nuisance, when a conviction therefor is had in a court of record may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant, and it shall be no defense to any proceeding under this section, that the nuisance is erected or continued by virtue or permission of any law of this State.

AN ACT to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith. Approved June 10, in force July 1, 1909. *Laws 1909, p. 437.*

386. Nuisance Near Encampment Defined, Penalty.

ARTICLE VI, SEC. 21. Any filth, offal, or any putrid, or decaying matter, material or substance of any kind, which constitutes a menace to public health or will be offensive to the senses of human beings, deposited in any building, structure or enclosure, or on any premises, or in any place within one-half mile of any National Guard camp grounds, rifle range, or building, or enclosure occupied and used, or about to be occupied or used by any troop or troops of soldiers, or the Illinois National Guard, in the service of the State or National government, or which may be called into the service of either, is hereby declared to be a common nuisance, and the State Board of Health or the Department of Public Health is hereby empowered to determine whether such nuisance exists, and if found to exist to forthwith, in writing, order the person, firm, association or private, public or municipal corporation, as the case may be, to immediately abate such nuisance; and upon failure of any such person, firm, association of persons, or such private, public or municipal corporation to immediately obey such order, the State Board of Health, or the Department of Public Health shall have the power, and it is hereby made its duty, summarily to abate such common nuisance; and the person or persons, firm (,) association, or private, public or municipal corporation responsible for such common nuisance; (,) shall be liable for

the cost and expense of such abatement in an action therefor at the suit of the People of the State of Illinois.

Any person or persons, either individually or as officers of any private, public or municipal corporation creating or maintaining, or responsible for the creation or maintenance of such common nuisance, or failing, or refusing to immediately abate the same upon the written order of the State Board of Health, or the Department of Public Health, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court. (Added by Act approved and in force May 5, 1917. L. 1917, p. 784.)

CITIES AND VILLAGES.

AN ACT to provide for the incorporation of cities and villages. Approved April 10, in force July 1, 1872. L. 1871-2, p. 218.

387. General Health Powers and Jurisdiction.

ARTICLE V. SEC. 1. The city council in cities, and the president and the board of trustees in villages, shall have the following powers: * * *

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however,* that any company heretofore organized under the general laws of this State, or any association of persons organized or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this State, subject to such regulations as any such city or village may by ordinance impose. * * *

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground. * * *

Twenty-seventh— * * * To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks so that filthy or stagnant pools of water can not stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded. * * *

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cesspools and to regulate the use thereof.

Thirtieth—To deepen, widen, dock, cover, wall, alter or change channel of water courses. * * *

Fortieth—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances. * * *

Forty-ninth—To establish markets and market-houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same. * * *

Fifty-second—To regulate the sale of bread in the city or village; prescribe the weight and quality of bread in the loaf.

Fifty-third—To provide for, and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions. * * *

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters. * * *

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and to regulate hospitals, medical dispensaries, sanatoria and undertaking establishments, and to direct the location thereof.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries within or without the corporation, and acquire lands therefore (therefor,) by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation. * * *

Eighty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories, and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery, boarding or sale stables, blacksmith shops, foundaries, machine shops, garages, laundries, and bathing beaches, within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof. * * *

Eighty-ninth—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

AN ACT to define the jurisdiction of the cities and incorporated towns bordering on the Ohio river. Approved March 26, in force July 1, 1872. Laws 1871-2, p. 578.

388. Ohio River, Adjacent Cities, Jurisdiction.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That each of the several cities and incorporated towns of this State, lying on the Ohio river, and bounded thereby, are hereby invested with jurisdiction over their river fronts, and shall have jurisdiction over the waters of said river, in all cases occurring on said river, and opposite to each of said cities or incorporated towns, coextensive with the jurisdiction of the several counties in this State in which said cities or incorporated towns may lie: *Provided*, nothing herein contained shall be construed so as to extend the jurisdiction of said cities or incorporated towns over any islands in said river included within the corporate limits of any county in the state of Kentucky.

389. Ordinances, Jurisdiction.

ARTICLE III. SEC. 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.

AN ACT to define the jurisdiction of cities and incorporated towns and villages lying in different counties. Approved June 18, in force July 1, 1891. Laws 1891, p. 79.

390. Ordinance, Extra-Territorial Jurisdiction.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That cities and incorporated towns and

villages which are now or which may hereafter be incorporated or extended into different counties, shall have the right to extend and enforce their ordinances over the entire territory embraced within the limits of such cities, incorporated towns or villages for all municipal purposes.

AN ACT to extend the jurisdiction of towns and cities on any river within or on the borders of this State, for the purpose of police regulations. Approved and in force February 15, 1865. L. 1865, p. 111.

391. Territorial Jurisdiction, Boats and Steamers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That cities and towns on any river within or on the borders of this State, shall have the right to extend and enforce their ordinances so as to include any boat or other floating structure, which shall be kept within two miles of the city or town limits, as a place for drinking spirituous liquors, or for gaming, or for the purpose of prostitution: *Provided*, no authority shall be given by this law, beyond what the law now authorizes, to interfere with any steamer or other boat, the usual business of which is the carrying of freight or passengers.

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